



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 34] नई दिल्ली, शुक्रवार, दिसम्बर 7, 2012/अग्रहायण 16, 1934 (शक)

No. 34] NEW DELHI, FRIDAY, DECEMBER 7, 2012/AGRAHAYANA 16, 1934 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 7th December, 2012:—

BILL No. 99 OF 2012

A Bill to provide for the welfare of fishermen in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Fishermen Welfare Act, 2012.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "Board" means the Fishermen Welfare Board established under section 3.

(ii) "fisherman" means a person engaged in fishing and fishing related works such as repairing, maintaining and manning boats, nets and other equipments used in

fishing or peeling, drying and selling of fish and solely dependent on the income earner from selling of fish; and

(iii) "prescribed" means prescribed by rules made under this Act.

Fishermen
Welfare
Board

3. (1) The Central Government shall, by notification in the Official Gazette, set up a Board to be known as the Fishermen Welfare Board.

(2) The Board shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The Board shall consist of,—

(i) a Chairperson and four other members to be appointed by the Central Government in such manner as may be prescribed;

(ii) not more than one representative each from the littoral States and Union territories to be nominated by the respective State Governments and Union territories Administrations;

(4) The salaries and allowances payable to and other terms and conditions of service of the Chairperson and other members of the Board shall be such as may be prescribed.

(5) The Central Government shall provide to the Board such number of officers and staff as may be necessary for the efficient functioning of the Board.

Board to
formulate a
scheme for
welfare of
fishermen.

4. (1) The Board shall formulate a scheme for the welfare of fishermen.

(2) Without prejudice to the generality of the foregoing provision, such a scheme shall also provide for—

(i) provision of boats, nets, jetties and life boats at concessional rates;

(ii) provision of loan facilities for purchasing of boats, nets and life boats;

(iii) provision of cold storage facilities for fish and other 'catches' by fishermen at subsidized rates;

(iv) facilitating the export of fish;

(v) transportation facility of processed fish to seaport or airport for the purpose of export at concessional rates;

(vi) insurance facilities;

(vii) free health care facilities to fishermen and their family members;

(viii) old age pension;

(ix) subsistence allowance during such situations as floods, storms or rains when fishermen cannot go into sea for fishing; and

(x) housing facilities at concessional rates.

Compensation
in case of
death or
serious injury.

5. Notwithstanding anything in this Act or any other law for the time being in force, the Central Government shall pay compensation of—

(i) rupees ten lakh to the nearest kin of a fisherman in case of his death, or;

(ii) rupees five lakh to the fisherman in case of a serious injury to him due to any accident while catching fish on the high seas or actions of the pirates.

Release of
fishermen
from
imprisonment
by a foreign
country.

6. (1) Where a fisherman while fishing is imprisoned by a foreign country on account of straying into territorial waters of that country or is kidnapped by any person including pirates, the Central Government shall take all necessary measures to facilitate the early release and transportation of fishermen to his home.

(2) The Central Government shall pay a subsistence allowance of rupees three thousand per month in such manner as may be prescribed to the family of a fisherman imprisoned under the circumstances referred to sub-section (1) till the fisherman is released and brought home.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Board by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

Grants by the
Central
Government.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to
make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Fishing is an important occupation for lakhs of people in our country since ancient times. The fish is processed and exported to many countries thereby generating a considerable monetary benefit to the country. Fishing industry provides employment to lakhs of people directly or indirectly. Fish is consumed by many people and fish oil is also used in making medicines.

Lakhs of fishermen are involved in this occupation. But the difficulties the fishermen are facing are manifold. Fishing is seasonal occupation in the sense that fishermen cannot go into sea throughout the year for fishing. There is also no facility for processing, storage, marketing, transportation and export of fish. Moreover, a fisherman has to pay huge rent for boats, etc. which he has to hire during fishing and on a given day, he may not earn anything. Besides, in the recent times, fishermen are facing another grave situation of being fired upon, killed or attacked either by mistake or deliberately by defence forces of another country on the plea of intruding into the territorial waters of that country. There have been many instances when our fishermen were killed or captured or imprisoned and tortured. The chances of being kidnapped by pirates on the high seas also add to their problems.

No compensation or subsistence allowance is given by the Government in such cases. A mechanism for the welfare of fishermen is absolutely essential and the Bill aims at in that direction.

Hence this Bill.

NEW DELHI;
August 7, 2012.

S. S. RAMASUBBU

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Fishermen Welfare Board. Clause 4 provides that the Board shall formulate a scheme for the welfare of fishermen. Clause 5 provides for compensation to a fisherman in case of death or serious injury. Clause 6 provides for subsistence allowance to the family of fishermen while they are imprisoned in a foreign country. Clause 7 provides for grants by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crore per annum.

A non-recurring expenditure of rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 100 OF 2012

A Bill to provide for special educational facilities to the children of parents living below poverty line and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Educational Facilities (For Children of Parents Living Below Poverty Line) Act, 2012.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the State Government, and in other cases, the Central Government; and

(b) “parents living below poverty line” means such parents whose income from all sources is less than rupees twenty thousand per mensem.

Facilities to children born of parents living below poverty line.

3. It shall be the duty of the appropriate Government to provide to every child born of parents living below poverty line, the following facilities, namely:—

(a) free education from school level to the post-graduate level including higher medical and technical education;

(b) free hostel facilities, uniform, meals and such other assistance and facilities as are required for the proper education of children; and

(c) gainful employment to the child after he completes his education.

Scholarships.

4. The appropriate Government shall provide scholarships upto a maximum of rupees one thousand per mensem, in deserving cases, to the children of parents living below poverty line while they are pursuing their education.

Reservation of seats in medical and technical colleges for children born of parents living below poverty line.

5. The appropriate Government shall reserve ten per cent. of the total number of seats in all medical and technical colleges and institutions of higher studies for children born of parents living below poverty line.

Power to make Rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Nearly forty-five per cent. of the total population of our country lives below the poverty line. Their income is meagre and they fight for their subsistence throughout their lives. They live hand to mouth existence and cannot even think of providing elementary education to their children. Since promotion of universal education and establishment of classless and creedless society is one of the basic aims of our Constitution, the Government at the national level as well as at the State level should make provisions for free educational facilities and provide books, uniform, writing materials, transportation and hostel facilities free of cost to the children of persons living below poverty line, that is to say, whose total family income is below twenty thousand rupees per month, so that they could get proper education and better job opportunities to raise their standard of living. It will be a major step in eradicating illiteracy from the country. It will also help such children to grow and compete with children of higher class.

The cost of education and the cost of living has gone up and a ceiling of rupees twenty thousand per month seems to be reasonable. Keeping this in view, a provision has been made in the Bill to provide bright students belonging to very poor families a scholarship of rupees one thousand per mensem.

Hence this Bill.

NEW DELHI;
August 7, 1912.

S.S. RAMASUBBU

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free education including medical and technical education, etc. by the appropriate Government to children born of parents living below poverty line. It also seeks to provide for facilities such as free hostel, uniform, meals etc. to such children. Clause 4 provides that the appropriate Government shall provide scholarship upto a maximum of rupees one thousand per mensem in deserving cases, to such children. The Central Government has to bear the expenditure in respect of Union territories in implementing the provisions of the Bill. The respective State Government shall bear the expenditure in respect of their State. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees ten thousand crore is likely to be incurred per annum.

A non-recurring expenditure of rupees twenty thousand crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative powers is, therefore, of a normal character.

BILL No. 87 OF 2012

A Bill to provide for constitution of a Committee for fixing the prices of drugs and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Drugs (Price Control) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "dealer" means a person engaged in the business of purchase or sale of drugs, whether as a wholesaler or retailer and whether or not in conjunction with any other business and includes his agent;

(b) "distributor" means a distributor of drugs or his agent and includes a stockist appointed by a manufacturer or an importer for stocking his drugs for sale to a dealer; and

(c) "drug" includes—

(i) all medicines for internal or external use of human beings and all substances intended to be used for, or in the diagnosis, treatment, mitigation, or prevention of any disease or disorder in human beings including preparations applied on human body for the purpose of repelling insects like mosquitoes;

(ii) such substances, intended to affect the structure or any function of the human body or intended to be used for the destruction of vermin or insects which cause diseases in human beings; and

(iii) drugs of all systems of medicine like allopathy, homoeopathy, ayurveda, unani and siddha.

3. (1) There shall be constituted a Committee to be known as the Drugs (Price Control) Committee (hereinafter referred to as the Committee) to fix the prices of drugs.

Constitution
of Drugs
(Price Control)
Committee.

(2) The Committee shall consist of—

(i) the Minister of Health and Family Welfare, Government of India	Chairman, <i>ex officio</i> ;
(ii) three representatives of major hospitals including Government run hospitals	members;
(iii) two representatives of drugs industry	members;
(iv) two representatives of Indian system of medicine	members;
(v) Secretary to the Government of India, Ministry of Health and Family Welfare.	member secretary, <i>ex officio</i> .

4. The Committee shall —

Functions of
the Committee.

(i) fix the prices of drugs after taking into consideration the costs of manufacturing, storage, packaging, import of formulation and distribution as well as profit of manufacturer and such other factors as it may deem necessary;

(ii) promote the use of generic drugs; and

(iii) determine the standard of drugs.

5. No person or a manufacturer or a distributor or a dealer shall sell any drug to any consumer at a price exceeding the price fixed by the Committee.

Prohibition
on selling of
drug at a price
exceeding the
price
determined by
the
Committee.

6. (1) Whoever contravenes the provisions of this Act shall be punished with imprisonment for a term which may extend to six months and with fine which may extend to one lakh rupees.

Penalty.

(2) Where an offence under this Act has been committed by a company, the license of such company shall be cancelled forthwith.

Explanation.—For the purpose of sub-section (2), "company", means any body corporate, and includes a firm or other association of individuals.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which

may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Prices of drugs and medicines are on the increase. The prices are increased arbitrarily by manufacturers and traders. People, especially poor people are affected by the exorbitant cost of drugs. They are not able to afford the medicines. At present there is no check on the prices of drugs. Medical practitioners with the lure of money and costly gifts from manufacturers generally prescribe costly medicines which common man cannot afford. They should instead prescribe generic drugs.

The Bill seeks to constitute a Committee to—

- (i) fix the prices of drugs;
- (ii) promote the use of generic drugs; and
- (iii) determine the standard of drugs.

The Bill seeks to achieve the above objectives.

NEW DELHI;
August 7, 2012.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Committee to be known as the Drugs (Price Control) Committee to fix the prices of drugs. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of about rupees Fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 91 OF 2012

A Bill to provide for the Establishment of a Permanent Bench of the High Court of Kerala at Kozhikode.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title. 1. (1) This Act may be called the High Court of Kerala (Establishment of a Permanent Bench at Kozhikode) Act, 2012.

Establishment of a Permanent Bench of the High Court of Kerala at Kozhikode. 2. There shall be established a permanent Bench of the High Court of Kerala at Kozhikode and such Judges of the High Court of Kerala, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Kozhikode in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Kasaragod, Kannur, Wayanadu, Kozhikode, Malappuram and Palakkad.

STATEMENT OF OBJECTS AND REASONS

The High Court of Kerala is located at Ernakulam. Kerala, being a vast State, people have to travel long distances with a lot of inconveniences in order to reach the High Court at Ernakulam to pursue their cases. This is a time consuming and costly exercise. For long, there has been a demand from the people of the State that a Bench of the High Court be set up at Kozhikode which is a very important city in the State of Kerala.

If a permanent Bench of the Kerala High Court is established at Kozhikode, it would greatly help the people living in Kasaragod, Kannur, Wayanadu, Kozhikode, Malappuram and Palakkad districts to pursue their cases in the High Court at significantly low cost and also the advocates based in and around the city of Kozhikode.

Hence this Bill.

NEW DELHI;
August 7, 2012.

M.K. RAGHAVAN

BILL NO. 101 OF 2012

A Bill to provide for payment of compensation to persons attacked by wild animals and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Payment of Compensation to Persons Attacked by Wild Animals Act, 2012.

(2) It extends to the whole of India.

Definitions.

2. In this Act, 'wild animal' has the same meaning as assigned to it in the Wild Life Protection Act, 1972.

3. (1) The Central Government shall frame a Scheme for payment of compensation to persons attacked by wild animals.

Central Government to frame a scheme for compensation to persons attacked by wild animals.

(2) Without prejudice to the generality of the foregoing provision, the scheme shall also include:—

(i) payment of compensation of rupees two lakh in case of death caused by a wild animal;

(ii) payment of compensation of rupees fifty thousand in case of an injury caused by a wild animal;

(iii) an insurance scheme for persons residing near areas generally inhabited or frequented by wild animals; and

(iv) compensation in case of damage or loss to property or crops due to attack by wild animals.

(3) The Central Government may, by notification in the Official Gazette, make rules for payment of compensation to the persons attacked by wild animals.

4. Notwithstanding anything contained in section 3, no compensation shall be payable to a person attacked by wild animal under the following circumstances:—

Compensation not payable in certain circumstances.

(i) if he has gone to a forest area or an area generally inhabited or frequented by wild animals for the purpose of hunting or capturing the wild animals alive;

(ii) if he has attacked a wild animal except under the circumstance of self-defence;

(iii) if he has strayed into an area which is exclusively specified for wild animals; and

(iv) if he commits any act which would result in hunting or torturing or leading to cruelty to or exploiting a wild animal.

5. The Scheme shall be administered by such authority, not lower in rank than the District Collector, as may be specified by the Central Government.

Administration of the Scheme.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In the recent days, there have been several cases of attacks by wild animals on innocent persons resulting in death or serious injury to those persons. There have also been instances when property and crops were damaged by wild animals.

It has also been seen that the victims of attack by wild animals are mostly poor people. After such attacks, it often happens that they either die or suffer permanent disability. In either case, their dependants have to fight for their survival. At present there is no provision for payment of compensation to the persons attacked by wild animals. There is a provision for punishment for cruelty to wild animals but there is no provision for compensation if wild animals attack innocent persons.

Therefore, a provision, with due safeguards, has been made for payment of compensation to persons attacked by wild animals.

NEW DELHI;
August 7, 2012.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall frame a Scheme for payment of compensation to the victims of attack of wild animals. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees three hundred crore per annum.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 114 OF 2012

A Bill further to amend the Water (Prevention and Control of Pollution) Act, 1974.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Water (Prevention and Control of Pollution) Amendment Act, 2012.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

6 of 1974

2. In section 2 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the principal Act) :—

Amendment
of section 2.

(i) the existing clause (a) shall be re-numbered as clause (aa) and before clause (aa) as so re-numbered, the following clause shall be inserted, namely:—

“(a) “Authority” means in the case of a State, the State River Conservation Authority constituted under section 18B, and in all other cases, the National River Conservation Authority constituted under section 18A;” and

(ii) after clause (gg), the following clause shall be inserted, namely:—

“(gga) ‘sewerage authority’ means a corporation, municipality or any other authority, by whatever name called, which is responsible for collection, treatment and disposal of sewage;”.

Amendment of
section 16

3. In section 16 of the principal Act, in sub-section (2), in clause (g), for the words "lay down, modify or annul", the words "subject to the provisions of section 18D, lay down, modify or annul" shall be substituted.

Amendment of
section 17

4. In section 17 of the principal Act, in sub-section (1), in clause (g), for the words "to lay down, modify or annul effluent standards for the sewage and trade effluents", the words "subject to the provisions of section 18D, to lay down, modify or annul effluent standards for the sewage and trade effluents" shall be substituted.

Insertion of
new Chapter
VIA.

5. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER VI A

NATIONAL AND STATE RIVER CONSERVATION AUTHORITIES

Constitution
of National
River
Conservation
Authority.

18A. (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the National River Conservation Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power, to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of—

(a) a Chairperson; and

(b) not more than five members,

to be appointed by the Central Government.

(4) The Chairperson and the members shall be selected from amongst persons who have practical knowledge and experience in the field of environment conservation and advocacy on environmental matters.

Constitution
of State River
Conservation
Authority.

18B. (1) Each State Government shall, by notification in the Official Gazette, constitute a State River Conservation Authority:

Provided that two or more States may agree to constitute a single authority with such terms and conditions as the State Governments may prescribe.

(2) The Authority shall be a body corporate, having perpetual succession and common seal, with power to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of—

(a) a Chairperson; and

(b) not more than three members,

to be appointed by the State Government.

(4) The Chairperson and the members shall be selected from amongst persons who have practical knowledge of and experience in environment conservation and advocacy on environmental matters.

Assessment of
sewage
treatment
capacity.

18C. The National River Conservation Authority and the State River Conservation Authorities shall carry out periodic assessment of requisite sewage treatment capacity and, where there is capacity deficit, recommend to the Central Government or the State Government, as the case may be, to enhance sewage treatment capacity to such an extent that the installed capacity is commensurate with the quantum of sewage generated.

Laying down
parameters
for sewage
effluent
quality.

18D. Notwithstanding anything contained in this Act, the State River Conservation Authority, in the case of a State, and the National River Conservation Authority, in case of Union territories, shall lay down parameters for effluent quality in sewage treatment plants:

Provided that different parameters may be laid down for different States and Union territories or parts within a State or a Union territory.

18E. (1) The Chairperson and every member of the National River Conservation Authority and the State River Conservation Authority shall hold office for a term of five years and shall be eligible for reappointment.

Term of office, salaries, and allowances of Chairperson and members of National River Conservation Authority and State River Conservation Authority.

(2) Notwithstanding anything in sub-section (1), the Chairperson and the members of the National River Conservation Authority and the State River Conservation Authority shall not be eligible to hold office after attaining the age of seventy years.

(3) The salaries and allowances payable to and the other terms and conditions of service of the Chairperson and the members of the National River Conservation Authority and the State River Conservation Authority shall be such as may be prescribed by the Central Government:

Provided that the salary and allowances and other terms and conditions of service of the Chairperson and the members shall not be varied to their disadvantage during their tenure.

(4) The Chairperson and members of the National River Conservation Authority or the State River Conservation Authority may be removed from office only on the ground of proved misbehaviour or incapacity:

Provided that the State Government shall consult the National River Conservation Authority before removing the Chairperson or a member of a State River Conservation Authority.

18F. The power to inspect sewage effluent and sewage treatment plants, to take sewage samples and other information, to review plants, specifications or other details relating to such plants, and to evolve methods of treatment and disposal of sewage shall be exercised by the Board under the superintendence, supervision and control of the National River Conservation Authority or the State River Conservation Authority, as the case may be."

Superintendence and control over certain functions of Board.

6. In section 24 of the principal Act,—

Amendment of section 24.

(i) in clause (a) of sub-section (1), for the words "laid down by the State Board", the words "laid down by the State Board or the National River Conservation Authority or the State River Conservation Authority, as the case may be," shall be substituted; and

(ii) in sub-section (3), the following proviso shall be added at the end, namely:—

"Provided that no exemption under this sub-section shall be granted to a sewerage authority except with the prior approval of the National River Conservation Authority or the State River Conservation Authority, as the case may be."

7. In section 34 of the principal Act, for the words "contributions to the Central Board as it may think necessary to enable the Board to perform its functions", the words "contributions to the National River Conservation Authority and the Central Board as it may think necessary to enable the Authority and the Board to perform their functions" shall be substituted.

Amendment of section 34.

8. In section 35 of the principal Act, for the words "contributions to the State Board as it may think necessary enable the Board to perform its functions", the words "contributions to the State River Conservation Authority and the State Board as it may think necessary to enable the Authority and the Board to perform their functions" shall be substituted.

Amendment of section 35.

9. In section 43 of the principal Act, for the words "one year and six months but which may extend to six years and with fine", the words "two years but which may extend to ten years and with fine" shall be substituted.

Amendment of section 43.

Amendment
of section 44.

10. In section 44 of the principal Act, for the words "one year and six months but which may extend to six years and with fine", the words "two years but which may extend to ten years and with fine" shall be substituted.

Amendment
of section 45.

11. In section 45 of the principal Act, for the words "shall not be less than two years but which may extend to seven years and with fine", the words "shall not be less than three years but which may extend to twelve years and with fine" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The level of pollution in rivers across India has been on the rise despite the launch of dedicated projects to cleanse rivers. Among various causes of pollution of rivers and streams, municipal sewage is today a major contributor. It is ironical that while new projects are being conceived to effectively cleanse our rivers, various authorities are adding to the problem by discharging untreated sewage into rivers.

The main cause for discharge of sewage into rivers is the lack of treatment capacity. Even after spending huge funds under various action plans, there is a huge deficit in treatment capacity. To make matters worse, the existing treatment plants are being underutilized resulting in inefficient treatment of sewage. The Central and the State Boards constituted under the Water (Prevention and Control of Pollution) Act, 1974 have not been able to make much headway in checking water pollution caused by municipal sewage.

Therefore, in view of alarming level of pollution of rivers in India and increasing contribution of municipal sewage is accentuating the problem, the Bill proposes to amend the Water (Prevention and Control of Pollution) Act, 1974 to achieve the following objectives:—

(i) constitution of the National River Conservation Authority and the State River Conservation Authorities to lay down parameters for effluent quality for sewage treatment plants and to supervise and control the functions of the Central Board and the State Boards in preventing water pollution caused by sewage;

(ii) assessment of requirement of sewage treatment capacity by National River Conservation Authority and the State River Conservation Authorities so as to facilitate further capacity creation to bridge the gap between the existing capacity and the required capacity;

(iii) making prior approval of the National River Conservation Authority or the State River Conservation Authority compulsory for granting exemption to a sewerage authority for using a stream or a well for disposal of polluting matters, etc.; and

(iv) prohibiting discharge of sewage and other polluting matters into a stream and providing rigorous penalties for contravention of the provisions of the Act.

Hence this Bill.

NEW DELHI;
September 3, 2012.

BHARTRUHARI MAHTAB

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the constitution of the National River Conservation Authority. Clause 7 provides that the Central Government shall make such contributions to the National River Conservation Authority as it may think necessary to enable the Authority to perform its functions.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

BILL NO. 124 OF 2012

A Bill further to amend the Spices Board Act, 1986.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and
commencement

1. (1) This Act may be called the Spices Board (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Omission of
section 16.

2. Section 16 of the Spices Board Act, 1986 (hereinafter referred to as the principal Act) shall be omitted. 10 of 1986.

Omission of
section 28.

3. Section 28 of the principal Act shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Spices Board Act, 1986 provides for constitution of a Board for the development of export of spices and for the control of cardamom industry including the control of cultivation of cardamom. Section 16 of the Act empowers the Central Government to fix minimum and maximum price of cardamom and also control the distribution of cardamom to protect the small and medium cardamom growers.

As per rule, the entire small cardamom has to be routed through auctions and the growers are not allowed to sell the cardamom in the open market, except to dealers licensed by the Spices Board. Over a period of time, dispute arose between the Spices Board and the e-auctioneer over the minimum bid value in cardamom auction. As agreement could not be reached between the Spices Board and the auctioneer, the auction of cardamom has been totally stopped which has adversely affected the small and the medium cardamom growers.

The small cardamom is the only cash crop controlled by such stringent guidelines and these rules force the growers to resort to the auction process thus restricting the opening up of alternate channels to sell their produce. As the major market places of cardamom are confined to certain geographic pockets, the number of dealers who actively involved in the trade of small cardamom in the primary market is limited and this add on to their bargaining power. Thus, the growers are forced to place "all their eggs in one basket" as against the principles of the open market economy.

The dynamics of small cardamom trade in the global market place has evolved with time and to remain competitive in the global markets, there is a need to promote free trade of this commodity and device alternate channels for the domestic marketing of small cardamom along with removal of the rules which restrict the domestic marketing and free sale of small cardamom. The Bill, therefore, seeks to omit sections 16 and 28 of the Spices Board Act, 1986 with a view to do away with the penal provision for contravening the provisions of section 16 of the Act.

NEW DELHI;
November 6, 2012.

P.T. THOMAS

BILL NO. 126 OF 2012

A Bill to provide for reservation of posts and appointments for women in services under the Central Government and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Women (Reservation in Services) Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) “service” means the service in connection with the affairs of the Central Government and includes the services in any public sector undertaking or enterprise or any authority under the control of the Central Government;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "public sector undertakings and enterprises" includes all public sector undertakings, enterprises, banks and financial institutions wholly owned or managed by the Central Government or in which fifty-one per cent. shares are held by the Central Government.

3. There shall be reserved thirty-three per cent. of all appointments and posts in services for women.

Reservation for women in services.

4. The Central Government shall make such provisions relating to relaxation in eligibility conditions, as may be prescribed, for appointment of women in services.

Relaxation in eligibility conditions.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In India, women are so deeply engrossed in family affairs and burdened with such heavy domestic responsibilities that in spite of their capabilities, education and aptitude, most of them are unable to enter into Government services on time.

Women have only marginal representation in services connected with the affairs of the Union. Even though they are capable of efficiently carrying out various responsibilities connected with the assignments, they do not fulfil the requisite qualifications, experience and other conditions of eligibility attached to that post or assignment.

In order to ensure that women get due representation in Government services, it is necessary to reserve thirty-three per cent. of all posts and services under the Central Government, including public sector undertakings and enterprises, for women by providing them relaxation in matters of age limit, requisite educational qualifications, experience and other conditions of eligibility.

Hence this Bill.

NEW DELHI;
November 7, 2012.

BOTCHA JHANSI LAKSHMI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 135 OF 2012

A Bill to provide for measures to promote small family norm and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Promotion of Small Family Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires “Government” means either the State Government or the Central Government, as the case may be.

3. No person shall procreate more than two living children after a period of one year from the date of commencement of this Act.

Short title,
extent and
commence-
ment.

Definition.

No person to
procreate
more than
two living
children.

Penalties for violation.

4. A person who procreates more than two living children shall—

(a) not be given any employment in any services under the Government and if he is already in Government service, he shall not be eligible for benefits such as annual increment, health care facility, leave travel concession facility or any other facility which the Government provides to its employees from time to time;

(b) not be entitled to have facilities of drawing ration from Public Distribution System; and

(c) not be entitled to avail benefit in any welfare scheme of the Government.

Punishment.

5. Any person violating the provisions of this Act shall be punished with rigorous imprisonment for a term which shall not be less than one year and with fine which shall not be less than rupees one lakh.

Incentives for opting single child norm.

6. Any person who voluntarily decides not to procreate more than one child shall be—

(i) provided a monthly allowance of rupees two thousand in case he is not a Government servant and rupees five hundred in case he is a Government servant;

(ii) provided with a suitable accommodation at subsidised rates;

(iii) given loans at reduced interest rates; and

(iv) given ration items at subsidised rates.

Government to look after those who remain childless.

7. It shall be the responsibility of the Government to take care of the persons who remain childless after they complete the age of sixty with respect to their boarding, lodging and medical needs if they have no source of income.

Penalties for those procreating after getting benefits under section 6.

8. In case any person, who has been given benefits under section 6, procreates more than two children, the benefits given to him shall be immediately withdrawn and the amount equivalent of the benefits given in the past shall be recovered from him.

Central Government to provide funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate fund for carrying out the purposes of this Act from time to time.

Act to have over-riding effect.

10. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of any other law.

11. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Power to make rules

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The population explosion in the country is posing a serious threat and it is a great hindrance in the development of the country. The per-capita income in the country is among the lowest in the world despite the huge increase in GNP/GDP. We are not able to exploit the benefit of the latest technologies in various fields due to rise in population. Population explosion results in lack of food, water and other facilities including medical facilities for the general public. Our neighboring country China has become very successful in controlling the population by adopting stringent measures, which proves the fact beyond doubt that without penal measures the population in the country cannot be controlled.

This Bill aims to achieve the above objective.

NEW DELHI;
November 7, 2012.

BOTCHA JHANSI LAKSHMI

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for giving benefits to those persons who opt for single child norm. Clause 7 provides that the Government shall be responsible for looking after the couples, who choose to remain childless. Clause 9 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 113 OF 2011

A Bill further to amend the Right to Information Act, 2005.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Right to Information (Amendment) Act, 2011.

(2) It shall come into force at once.

Amendment
of section 7.

2. In section 7 of the Right to Information Act, 2005 (hereinafter referred to as the principal Act), after sub-section (6), the following proviso shall be inserted, namely:— 22 of 2005

"Provided that where such information is provided free of charge, the cost of providing the information shall be borne by the Central Public Information Officer or the State Public Information Officer, as the case may be, in each public authority."

3. In section 20 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment
of section 20.

"(1A) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal, imposes penalty on the Central Public Information Officer or the State Public Information Officer, as the case may be, under sub-section (1), such part of the penalty as may be determined by the Central Information Commission or the State Information Commission, as the case may be, shall be given to the appellant as compensation."

STATEMENT OF OBJECTS AND REASONS

The Right to Information Act which was enacted in 2005 has proved to be very effective in ensuring access of the common man to information on various aspects of public authority. It has also effectively enhanced public awareness. However, as per experience gained so far, the citizens are facing some problems in accessing information as certain sections/sub-sections of the Act are flexible. There is no control over the faulty as well as unjust decisions of the first Appellate Authority. There is also no provision for compensation/indemnity to the aggrieved person requesting for information. Moreover, in the event of providing information free of charge, the authorities have to bear the expenses themselves.

Therefore, the Bill seeks to amend the Right to Information Act, 2005 in order to enable the citizens to access information smoothly.

Hence, this Bill.

NEW DELHI;
November 8, 2011

BHOOPENDRA SINGH

BILL NO. 23 OF 2012

A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

1. This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2012. Short title

42 of 2005. 2. In section 12 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred to as the principal Act), after sub-section (4), the following sub-sections shall be added, namely:— Amendment of section 12.

"(5) The State Council shall compulsorily carry out inspection of not less than ten per cent. of the projects which have been inspected by the District Programme Coordinator under the proviso to clause (f) of sub-section (3) of section 14 with a view to find out whether such projects fulfil the prescribed technical standards and norms.

(6) Where the State Council, after inspection of projects referred to in sub-section (5), finds that any of the projects inspected by it does not meet the prescribed technical standards and norms, it shall make an entry to that effect in the service books of the concerned District Programme Coordinator and the Programme Officer and shall also issue a warning to such officers."

Amendment of
section 14.

3. In section 14 of the principal Act, in sub-section (3), after clause (f), the following proviso shall be inserted, namely:—

"Provided that the District Programme Coordinator shall compulsorily conduct inspection of not less than ten per cent. of the projects which have been inspected by the Programme Officer under the proviso to clause (a) of sub-section (5) of section 15 with a view to find out whether such projects fulfil the prescribed technical standards and norms."

Amendment of
section 15.

4. In section 15 of the principal Act, in sub-section (5), after clause (a), the following proviso shall be inserted, namely:—

"Provided that the Programme Officer shall compulsorily inspect not less than ten per cent. of the ongoing projects with a view to find out whether the prescribed technical standards and norms are being complied with in such projects."

Insertion of
new section
25A.

5. After section 25 of the principal Act, the following section shall be inserted, namely:—

Punishment
for financial
irregularities,
etc.

"25A. Whoever, responsible for implementing any project or preferred work, deliberately neglects or lowers the prescribed technical standards or norms or commits financial irregularity while implementing such project or preferred work shall be deemed to be guilty of committing an offence under the Prevention of Corruption Act, 1988 and liable to be proceeded against and punished under the provisions of that Act."

STATEMENT OF OBJECTS AND REASONS

The Mahatma Gandhi National Rural Employment Guarantee Act was enacted to provide employment for at least one hundred days during lean season to the landless workers and small farming families of rural areas in order to protect their livelihood. But the scene which appears before us since the commencement of the schemes launched under this Act about five and a half years ago, narrates a different story which is full of corruption, and financial irregularities, collusion and arbitrary acts. The representatives of the people occupying higher positions in the Government also acknowledge the fact that the corruption in the schemes tantamount to grave injustice to poor in the country. The response of the judiciary is that the funds earmarked under the schemes are not reaching the intended persons. In order to make the schemes corruption free, it is necessary to amend this Act. For this purpose, the responsibility of the public servants should mandatorily be fixed at district, block and panchayat levels. In order to curb corruption penalties should be imposed on the public servants who fail to discharge their responsibilities. The penal provisions of the Prevention of Corruption Act, 1988 should be extended to cover the persons who commit offences under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 in order to ensure implementation of the schemes under this Act in a transparent manner.

Hence this Bill.

NEW DELHI;
February 22, 2012.

BHOOPENDRA SINGH

BILL NO. 21 OF 2012

A Bill further to amend the Prevention of Corruption Act, 1988.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title

1. This Act may be called the Prevention of Corruption (Amendment) Act, 2012.

Amendment
of section 7

2. In the Prevention of Corruption Act, 1988 (hereinafter referred to as the principal Act), in section 7, for the words "shall be punishable with imprisonment which shall be not less than six months but which may extend to five years", the words "shall be punishable with imprisonment which shall be not less than three years but which may extend to seven years" shall be substituted.

49 of 1988.

3. In section 17 of the principal Act, the following proviso shall be added at the end, namely:—

Amendment
of section 17.

"Provided also that a police officer investigating into an offence referred to in clause (e) of sub-section (1) of section 13 shall compulsorily inquire into and, as far as possible, find out the sources of and the manner of acquiring the pecuniary resources or property disproportionate to the known sources of income of a public servant and the extent of role of other public servants in commission of such offence."

4. In section 19 of the principal Act, in sub-section (1), the following proviso shall be added at the end, namely:—

Amendment
of section 19.

"Provided that where a decision regarding granting or withholding the previous sanction is not taken within a period of four months from the date of seeking previous sanction, the previous sanction shall, after the expiry of the said period, be deemed to have been given by the Central Government or the State Government or the competent authority, as the case may be."

STATEMENT OF OBJECTS AND REASONS

At present, corruption is the biggest problem afflicting our country. It is difficult to assess the extent of damage that corruption has done to our country. Corruption devalues human rights and hampers growth. It is urgently required to put in place the strongest possible laws to check corruption. At the same time, it is also equally important that these laws are implemented in an effective manner. Increase in quantum of punishment to and fine on people involved in corruption will be a step in that direction.

In various raids conducted during the past few months, some public servants including those belonging to group 'C' and 'D' categories have been found to have amassed crores of rupees which is beyond their known sources of income. These assets are alleged to have been acquired through illegal gratifications. Thus, a provision should be made in the Act to find out how and from where such assets were acquired by the public servants. Obtaining prior sanction from the competent authority to initiate the process of prosecution against public servants accused of corruption is a major stumbling block. There is a popular perception in the country that no serious and meaningful effort is being made to prevent corruption. It is therefore, necessary that the process of sanctioning prosecution should be completed within a stipulated time frame.

Hence this Bill.

NEW DELHI;
February 21, 2012.

BHOOPENDRA SINGH

BILL NO. 45 OF 2012.

A Bill to provide for certain welfare measures for cotton growers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Cotton Growers Welfare Act, 2012.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases, the Central Government;

(b) "cotton grower" means any person who cultivates cotton;

(c) "Fund" means the Price Stabilisation Fund constituted under section 5; and

(d) "prescribed" means prescribed by rules made under this Act.

Central Government to fix the minimum support price of cotton.

3. (1) The Central Government shall, before the onset of sowing season of cotton every year, fix the minimum support price of cotton:

Provided that different minimum support prices may be fixed for different varieties of cotton and for different regions of the country.

(2) The Central Government shall, while fixing the minimum support price, take into consideration—

(i) rent or lease charges, if any, being paid by the cotton growers to the owner of the land where the cotton is being grown;

(ii) electricity and water charges being paid by the cotton growers; and

(iii) moneys spent by cotton growers on labour, storage fee, processing of cotton, interest paid on or being paid on loans taken for crops and on similar other activities.

(3) The appropriate Government shall either itself or through any agency working on their behalf, procure cotton directly from the cotton growers.

Central Government to allow the export of cotton

4. (1) Subject to such rules as may be made, the Central Government may permit the export of cotton in case the production of cotton is more than its domestic requirement.

(2) The Central Government shall establish centres at such places as it may think necessary to facilitate the export of cotton.

Price Stabilisation Fund.

5. (1) The Central Government shall set up a Fund to be known as the Price Stabilisation Fund with a view to protect the cotton growers from the impact of price fluctuation of cotton.

(2) The Central Government shall administer the Fund in such manner as may be prescribed.

Insurance scheme for cotton crop.

6. (1) The Central Government shall formulate a comprehensive insurance scheme to compensate the cotton growers in case of loss suffered by them in the event of natural calamities.

(2) The mode and the quantum of payment of compensation to the cotton growers shall be such as may be prescribed:

Provided that the compensation shall be paid to the cotton growers within thirty days of the occurrence of natural calamity.

Old age pension scheme for cotton growers.

7. (1) The appropriate Government shall frame an old age pension scheme for cotton growers in such manner as may be prescribed:

Provided that the old age pension shall be compulsorily paid to those cotton growers who have attained the age of sixty-five years and whose annual income from all sources is not more than rupees one lakh.

(2) The payment of old age pension to the cotton growers shall be made out of the Fund constituted under section 5.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Cotton is an important cash crop in our country. It is extensively used in textile and other industries. In fact, cotton fulfils one of the basic requirements of human beings, *i.e.*, clothing. Lakhs of persons are involved either directly or indirectly in this industry. Finished garments are also exported to many countries, thereby earning considerable foreign exchange for the country.

However, in recent times, many cotton growers in the States of Maharashtra and Andhra Pradesh and other parts of the country have committed suicide due to faulty policy of the Government. Minimum Support Price of cotton is very low and a cotton grower has to bear heavy loss and thereby incurs heavy liability. He is not allowed to export the produce due to restrictions imposed by the Government. The Government allows indiscriminate export of other products ignoring domestic requirements, but in the case of cotton, export is banned. If the ban on export of cotton is lifted, cotton growers will get good price of their produce. Cotton and its products used to be important export items of our country till recently, but today China and some other countries have surpassed our country because of the assistance and facilitations of the Governments of those countries.

The Bill seeks to provide Minimum Support Price to cotton growers for their produce and also to provide certain welfare measures for cotton growers in the country.

Hence this Bill.

NEW DELHI;
March 26, 2012.

CHANDRAKANT KHAIRE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for Minimum Support Price to cotton growers for their produce. Clause 4 provides for establishment of centres to facilitate the export of cotton. Clause 5 provides for the setting up of the Price Stabilisation Fund to protect cotton growers from the impact of price fluctuation of cotton. Clause 6 provides for comprehensive insurance scheme for cotton crop. Clause 7 provides for old-age pension scheme for cotton growers. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees ten thousand crore is likely to be involved.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 55 OF 2012

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Voting Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) On and from the date of commencement of this Act, it shall be compulsory for every citizen, who is eligible to vote at an election, to exercise his right to vote at an election when called for by the Election Commission:

Short title,
extent and
commence-
ment.

Voting to be
compulsory
for all
citizens.

Provided that a citizen may be exempted from exercising his right to vote—

(a) if he is physically incapacitated due to old age or an illness of a serious nature and produces a medical certificate from a registered medical practitioner certifying such incapacity; or

(b) if he is physically challenged and is unable to go to a polling booth on his own; or

(c) if she is a pregnant woman and not in a position to withstand the physical strain; or

(d) if he, in the opinion of the Election Commission, suffers from a disability or infirmity of a nature, which makes him incapable of going to the polling booth on his own.

(2) Notwithstanding anything in sub-section (1), the Election Commission may allow a suitable attendant to aid or facilitate a citizen, exempted from exercising his right to vote, to exercise his right, if he makes a request to the Election Commission to this effect.

Adequate
number of
polling
booths.

3. (1) It shall be the duty of the Election Commission to set up adequate number of polling booths at convenient locations, in every Assembly and Parliamentary constituency.

(2) The polling booths shall be set up in such a way that the distance between two polling booths does not exceed one kilometre:

Provided that in hilly, forest or desert regions, the Election Commission may set up mobile polling booths according to geographical convenience and density of population.

Facilities to
be provided
to persons
who cast
their vote.

4. Subject to such rules as may be prescribed, any citizen who is eligible to vote at an election and exercises his right to vote shall be provided with the following facilities:—

(a) foodgrains and other consumable items at subsidized rates through the public distribution system;

(b) social security benefits including old age pension, disability pension and health care facilities;

(c) reservation in posts and services under the Central Government; and

(d) priority in allotment of houses in any housing scheme launched by the Central Government.

Punishment.

5. (1) The Election Commission shall cause to be prepared a list of names of all eligible citizens, who have not cast their votes, and submit it to the Central Government or the State Government, as the case may be.

(2) Any citizen, who fails to cast his vote shall—

(i) be liable to a fine of rupees five hundred for first failure and rupees ten thousand for each subsequent failure; and

(ii) be rendered ineligible to contest any election for a period of ten years from the date he failed to cast his vote.

Power to
make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world. It has a strong Parliamentary System. Since 1951, free and fair elections to the Houses of Parliament, State Legislatures and local bodies have been held at regular intervals. Indian elections are a bench mark for many other countries.

At present a candidate is declared as elected even if he secures one vote more than the votes polled to his nearest candidate. Though he has won the seat, yet he may not have the support of even half of the electors. In the true sense, he is not representing the constituency from which he has been elected.

The percentage of votes polled at every election is decreasing which shows that people are not willing to participate in the election process. Sometimes in some of the constituencies, as low as thirty per cent. of the total votes are polled.

Therefore, it is proposed to make voting compulsory so that the people can participate in a large number. It is also proposed to provide certain incentives to those voters who exercise their right to vote in elections to the House of the People or State Legislatures.

Hence this Bill.

NEW DELHI;
March 27, 2012.

CHANDRAKANT KHAIRE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of adequate number of polling booths in every constituency during election. Clause 4 provides for certain facilities to those voters who cast their votes at an election. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred crore is likely to be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 116 OF 2012

A Bill to provide for payment of compensation to farmers affected by natural calamities and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Provision of Compensation to Farmers Affected by Natural Calamities Act, 2012.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in case of a State, the Government of that State and in all other cases, the Central Government;

(b) “farmer” means a person who owns agricultural land not exceeding ten acres and includes a share cropper or a person who cultivates land belonging to other under the tenancy system;

(c) "natural calamity" includes drought, flood, cyclone, hailstorm, landslide, cloud burst, tsunami, earthquake or fire especially in forest and adjacent areas or such other conditions as may be notified by the appropriate Government from time to time; and

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall formulate a comprehensive Insurance Scheme providing for insurance cover against natural calamities to standing crops, agricultural equipments and other related accessories or items required by farmers for carrying out agricultural operations.

Formulation of comprehensive Insurance Scheme by the Central Government.

(2) The Insurance Scheme shall be implemented and monitored by such public sector insurance company, as the Central Government may deem appropriate.

(3) All expenditure incurred in implementing and monitoring the scheme shall be borne by the Central Government.

4. (1) Whenever any district is affected by a natural calamity, the District Collector concerned or such other officer, as the appropriate Government may specify, shall cause to conduct a survey of the district and prepare a report on such survey within one month of the occurrence of the natural calamity.

Survey of district affected by natural calamity.

(2) Without prejudice to the generality of the foregoing provision, the report prepared under sub-section (1) shall include,—

(a) such details, as may be prescribed, about the farmers who have been affected by natural calamity;

(b) extent and estimate of loss or damage to crops due to natural calamity;

(c) amount of loan taken by the farmers for raising the crop; and

(d) extent and estimate of loss of agricultural equipments and other necessary accessories.

(3) The report prepared under sub-section (1) shall be forwarded by the District Collector to the Central Government.

5. (1) The Central Government shall, on receipt of the report from the District Collector, make its recommendations about the loss or damage in each case in such manner as may be prescribed and forward them to the insurance company entrusted under sub-section (2) of section 3 for implementing and monitoring the Insurance Scheme.

Payment of compensation to farmers by insurance companies.

(2) The insurance company shall, within one month from the date of receipt of recommendation, pay such amount as compensation to the farmers as recommended by the Central Government.

6. The Central Government shall issue, from time to time, necessary directives to the insurance company, for carrying out the purposes of this Act.

Central Government to issue directives to insurance companies.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not to be in derogation of other laws.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Crops are affected by natural calamities very often. Every year, the standing crops are destroyed due to either drought or heavy floods and farmers suffer in silence. Presently, there is drought like situation in several parts of the country.

It is true that we have crop insurance scheme for farmers but it does not cover all types of crops against all natural calamities. The insurance coverage is not comprehensive as it is based on premium amount and many factors are not taken into account while determining the loss suffered by farmers. Moreover, the crop insurance is not a statutory mechanism.

In view of the above, it is proposed to put in a place a permanent statutory mechanism to ensure that the farmers get their due compensation in the event of natural calamities.

Hence this Bill.

NEW DELHI;
August 7, 2012.

CHANDRAKANT KHAIRE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall formulate a comprehensive Insurance Scheme providing for insurance cover against natural calamities to standing crops, agricultural equipments required by farmers for carrying out agricultural operations. It also provides that all expenditure incurred in implementing and monitoring the scheme shall be borne by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is, of a normal character.

BILL NO. 117 OF 2012

A Bill to provide for payment of compensation to and provision of certain welfare measures for the victims of terror attacks.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Victims of Terrorism (Provision of Compensation and Welfare Measures) Act, 2012.

Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions

(a) “prescribed” means prescribed by rules made under this Act; and

(b) “terror attack” means an attack by a terrorist group operating within or from outside the country.

Compensation
to the victims
of terror
attack.

3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall pay compensation to and take the following welfare measures for the victims of terror attack in the following manner:—

(i) in case of loss of life,

(a) an ex gratia grant to the next of kin of the deceased which shall not be less than five lakh rupees;

(b) financial assistance at such rate, as may be prescribed, to the next of kin of the deceased; and

(c) preference in Central Government jobs to the next of kin of the deceased;

(ii) in case of serious injury leading to incapacitation,—

(a) medical treatment free of cost till full recovery; and

(b) payment of an ex gratia amount to the victim, which shall not be less than three lakh rupees;

(iii) in case of minor injuries payment of an ex gratia amount, which shall not be less than one lakh rupees; and

(iv) in case of damage to the dwelling unit as a result of torching or bombing, repair of the dwelling unit, if viable or construction of a new dwelling unit.

Overriding
effect of the
Act.

4. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in
derogation of
any other law
for the time
being in
force.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to
make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The incidents of terror attacks are increasing in many parts of the country. Hundreds of innocent persons are being killed in such terrorist attacks. Their lives are shattered as they become permanently disabled or die during such attacks. The condition of deceased families is miserable as adequate compensation has not been provided to them by the Government. Therefore, it is necessary that the Central Government should come forward to pay compensation and provide certain other measures for the welfare of victims of terror attacks.

Hence this Bill.

NEW DELHI;
August 7, 2012.

CHANDRAKANT KHAIRE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compensation to the victims or dependants of persons killed or injured during terror attacks. It also provides for construction of new dwelling units in case dwelling units are damaged in the terror attacks. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand crore is likely to be involved.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 123 OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2012.

Amendment of
the Eighth
Schedule.

2. In the Eighth Schedule to the Constitution, existing entries 4 to 22 shall be renumbered as entries 5 to 23, respectively, and before entry 5 as so renumbered, the following entry shall be inserted, namely:—

"4. Bundeli."

STATEMENT OF OBJECTS AND REASONS

Ours is a multi-lingual country. In the Eighth Schedule to the Constitution of India, twenty-two languages, being spoken and written by our citizens, have been recognised as national languages. These languages represent the culture of the particular regions. A person learns the maximum things only through the medium of his mother tongue. Language is the light of wisdom. However, it is unfortunate that Bundeli language spoken by crores of people in Madhya Pradesh and Bundelkhand region of Uttar Pradesh has not yet been included in the Eighth Schedule to the Constitution. Bundeli language is struggling hard to maintain its existence and dignity.

The prosperity of a society or a country is distinguished by the literature composed in its own language. Keeping this viewpoint in mind, if one goes through the history of Bundeli language, it can be noticed that the epic '*Alhkhanda*' was written in Bundeli by the great poet Jagnik. It is believed that with the advent of Chandeli period, inception of Bundeli took place. It means Bundeli language existed in spoken and written form even two thousand years ago. *Ramcharitmanas* written by Tulsidas is full of Bundeli words. Stone inscriptions, invoices, correspondences, certificates and monarchical decrees have also been prepared in Bundeli. The Bundeli language has its specific contribution in Indian literature, history and in development of life-style. Besides abundant literature, Bundeli language is also the voice of expression of our glorious culture.

Bundeli is the mother tongue of a large Bundelkhand region spread over Madhya Pradesh and Uttar Pradesh. There are about five crore Bundeli speaking people in Sagar, Jabalpur, Gwalior, Hoshangabad and Bhopal divisions including bordering districts of Uttar Pradesh covering about 187934 square kilometres area. On 24th February, 2012 Legislative Assembly of Madhya Pradesh, after passing an unofficial resolution unanimously, sent a request to the Government of India for including Bundeli language in the Eighth Schedule.

Therefore, keeping in view the sentiments of the people of Bundelkhand region spread over a large area, Bundeli language should be accorded the status and honour of national language by including it in the Eighth Schedule to the Constitution.

With the inclusion of Bundeli language in the Eighth Schedule, the folk dances, folk songs, folk customs and other cultural heritage along with the Bundeli language can be saved from getting extinct.

NEW DELHI;
November 6, 2012.

BHOOPENDRA SINGH

BILL NO. 66 OF 2012

A Bill to secure rapid, accelerated and overall development of poverty stricken and backward regions of the country by establishing an autonomous Authority for assured and speedy development of such regions in a planned manner and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commencement

1. (1) This Act may be called the Poverty Stricken and Backward Regions (Development) Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Authority” means the Poverty Stricken and Backward Regions Development Authority established under section 4;

(b) "poverty stricken and backward regions" means the areas and regions which are economically, socially, educationally and industrially lagging behind from the rest of the country and notified by the Central Government under section 3; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, within one year from the coming into force of the Poverty Stricken and Backward Regions (Development) Act, 2012, in consultation with the State Governments and the Union territory Administrations, identify Poverty Stricken and Backward Regions of the country in such manner as it may deem fit.

Identification and notification of Poverty Stricken and Backward Regions

(2) The regions identified as poverty stricken and backward regions of the country under sub-section (1) shall be notified by the Central Government.

4. (1) The Central Government shall, within one month of the notification of poverty stricken and backward regions of the country, establish an Authority to be known as the Poverty Stricken and Backward Regions Development Authority.

Establishment of the Poverty Stricken and Backward Regions Development Authority

(2) The Authority shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name sue and be sued.

(3) The headquarter of the Authority shall be at Nagpur in the State of Maharashtra and the Authority may, with the consent of the Central Government, establish its offices at other places in the country.

5. The Authority shall consist of—

Composition of the Authority.

(a) the Prime Minister—Chairman, *ex-officio*;

(b) the Deputy Chairman of the Planning Commission—Vice-Chairman;

(c) five members of Parliament representing the backward regions, of whom three shall be from Lok Sabha and two from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses—Members;

(d) one official each, not below the rank of Joint Secretary, from the Planning Commission and Ministries of Agriculture, Rural Development, Industry, Finance, Railways, Road Transport, Human Resource Development, Water Resources and Power of the Union Government to be nominated by the Central Government—Members; and

(e) one official each from every State having poverty stricken and backward regions to represent the Government of that State—Members.

6. (1) The Authority shall follow such procedure for holding its meeting as may be prescribed.

Procedure to be followed by the Authority

(2) No act or proceeding taken by the Authority under this Act shall be questioned on the ground merely of,—

(a) the existence of any vacancy in, or defect in the constitution of the Authority,

or

(b) any omission, defect or irregularity not affecting the merits of the case.

7. (1) The Authority shall have a Secretariat consisting of such officers and employees as may be prescribed.

Secretariat of the Authority.

(2) The conditions of service, emoluments and other perquisites of the officers and employees shall be such as may be determined by the Central Government from time to time.

8. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law in this behalf, adequate funds for developmental works to be undertaken by the Authority and for its administrative expenses.

Funds of the Authority.

Authority to ensure overall development of Poverty Stricken and backward regions.

9: (1) The Authority shall take such special steps in order to ensure rapid and accelerated development of poverty stricken and backward regions of the country, as it may deem necessary and expedient to do so for the overall development of such regions.

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall take the following measures for the overall development of poverty stricken and backward regions of the country—

- (i) encourage investment in poverty stricken and backward regions for industrial growth;
- (ii) develop infrastructure such as railways, roads and communication network;
- (iii) develop irrigation facilities by constructing wells, bore wells and canals and other traditional methods of the water harvesting;
- (iv) promote agriculture and agro-based industries;
- (v) augment drinking water facilities;
- (vi) install power projects based on conventional and non-conventional sources of energy; and
- (vii) encourage other activities such as poultry farming, piggery, livestock, dairy products, cottage and village industries, network of public distribution system, health services, family welfare, education, vocational training, tourism or such other activities as the Authority may deem necessary.

Annual Report of the Authority.

10. (1) The Authority shall prepare and submit to the President of India an annual report, in such form and in such manner, as may be prescribed, of its development activities in the poverty stricken and backward regions of the country.

(2) The President shall, after the receipt of the report, cause it to be laid before each House of Parliament.

Power to remove difficulty.

11. If any, difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement to this Act.

Act not in derogation of other laws.

12. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules

13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The economic disparity amongst various regions in the country has not only persisted but has also increased since the last six decades of independence. This disparity has resulted in extreme poverty, hunger and backwardness. Even the Constitutional obligations set forth by the founding fathers of the Constitution are yet to be fulfilled. Article 371 of the Constitution provides for special provisions for the development of Maharashtra and Gujarat but the Vidarbha, Marathwada, Saurashtra and Kutch regions of these States are still the most backward regions. Non-development of the Vidarbha region has resulted in the demand for a separate State which shows the frustration of the people of the region.

Development of such regions should be our prime concern. Special steps should be taken at the National and State levels to secure rapid and accelerated development of the poverty stricken and backward regions in the areas of education, economy, agriculture and other fields to bring them at par with other developed regions of the country. This may be achieved by establishing an autonomous Authority for the purpose.

Hence this Bill.

NEW DELHI;
April 13, 2012.

MAHENDRASINH P. CHAUHAN

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3) OF THE CONSTITUTION

[Copy of letter No. H-11016/18/2012-MLP dated 14 May, 2012 from Dr. Ashwani Kumar, Minister of State in the Ministry of Planning; Minister of State in the Ministry of Science and Technology and Minister of State in the Ministry of Earth Sciences to the Secretary-General, Lok Sabha].

The President, having been informed of the subject-matter of the Poverty Stricken and Backward Regions (Development) Bill, 2012 by Dr. Mahendrasinh P. Chauhan, Member of Parliament, has recommended the consideration of the Bill by Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of a Poverty Stricken and Backward Regions Development Authority. Clause 7 provides for a Secretariat with such number of officers and employees for the Authority as may be prescribed. Clause 8 provides that the Central Government shall provide adequate funds to the Authority. Clause 9 provides that the Authority shall take steps to encourage rapid and accelerated development of poverty stricken and backward regions of the country. The Bill, therefore, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees one thousand crore will be involved per annum.

A non-recurring expenditure to the tune of rupees one hundred crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 69 OF 2012

A Bill to provide for the establishment of a permanent Bench of the High Court of Kerala at Thiruvananthapuram.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court of Kerala (Establishment of a Permanent Bench at Thiruvananthapuram) Act, 2012.

2. There shall be established a permanent Bench of the High Court of Kerala at Thiruvananthapuram and such Judges of the High Court of Kerala, being not less than five in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Thiruvananthapuram in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Thiruvananthapuram, Kollam, Alappuzha and Pathanamthitta.

Establishment of a Permanent Bench of the High Court of Kerala at Thiruvananthapuram.

STATEMENT OF OBJECTS AND REASONS

The High Court of Kerala was functioning at Thiruvananthapuram, even after the reorganisation of States of Indian Union. But later the High Court was shifted to Ernakulam.

Since then, there is a long pending demand for the establishment of a Bench of High Court at Thiruvananthapuram.

The people from Thiruvananthapuram, Kollam, Alappuzha and Pathanamthitta districts will benefit a lot, if a High Court Bench is established at Thiruvananthapuram. Besides, in a large number of cases, the Government of Kerala, its various departments or the Public Sector Undertakings and autonomous bodies under it happen to be a party. If a permanent Bench of the Kerala High Court starts functioning at the State Capital, it will also reduce unnecessary expenditure from the public exchequer as well of the litigants. It will also ensure speedy justice.

It may not be out of place to mention here that the State Administrative Tribunal and the Central Bureau of Investigation courts are also functioning at Thiruvananthapuram.

Hence, establishment of a permanent Bench of High Court of Kerala at Thiruvananthapuram will go a long way in fulfilling the aspiration of the persons residing in nearby districts of Thiruvananthapuram in Kerala.

NEW DELHI;
April 25, 2012.

A. SAMPATH

BILL NO. 74 OF 2012

A Bill to set a target for the reduction of targeted greenhouse gas emissions; to establish a National Committee on climate change; to provide for carbon budgeting and carbon trading schemes and to encourage other such activities; to reduce greenhouse gas emissions and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Climate Change Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act.

2. In this Act, unless the context otherwise requires,—

(a) "annual range for the net carbon account" means a cap on the net Carbon Account for that year set by the Central Government;

Short title,
extent and
commencement

Definitions.

(b) "baseline" implies net emissions of carbon dioxide and other targeted greenhouse gases in India during a particular year against which the emission in other years is to be measured;

(c) "budgetary period" means a period of five years set by the Central Government for which a carbon budget applies;

(d) "carbon budget" means a cap set by the Central Government on the amount of net Carbon Account for a specific budgetary period;

(e) "carbon unit" means a unit specified by the Central Government for the purpose of measuring addition or reduction of any greenhouse gas in the atmosphere;

(f) "Energy Intensity Index of GDP" implies the quantity of energy used per unit of GDP;

(g) "National Committee" means the National Committee on Climate Change constituted under section 11;

(h) "net carbon account" means net emissions of targeted greenhouse gases for any particular budgetary period reduced by the amount of carbon units credited and increased by the amount of carbon units debited;

[Carbon Account = Net Emissions - carbon units credited + carbon units debited];

(i) "prescribed" means prescribed by rules made under this Act; and

(j) "targeted greenhouse gases" means carbon dioxide, methane, nitrous oxide, hydro fluorocarbons, per fluorocarbons, sulphur hexafluoride and includes any other gas as the Central Government may specify.

CHAPTER II

CARBON TARGET SETTING

Central
Government
to ensure
Carbon target
and its
amendment.

3. (1) The Central Government shall, within one year from the commencement of the Climate Change Act, 2012,—

(a) prescribe a target of Net Carbon Account for the year 2050 in accordance with international obligations, if any, agreed to by India;

(b) specify a baseline year for absolute reduction of carbon emission and the proportion of reduction of Carbon emission during each year following the baseline year; and

(c) create an Energy Intensity Index of GDP and set a target for the same.

(2) The Central Government may, by notification in the Official Gazette, change the targets laid down under sub-section (1) on the advice of the National Committee.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament during the session immediately following the issue of notification.

CHAPTER III

CARBON BUDGETING

Carbon budgets
and budgetary
periods.

4. (1) It shall be the duty of the Government to prescribe Carbon budget for budgetary periods commencing from the budgetary period for the years from 2012-2017 and to ensure that the prescribed net carbon account for a budgetary period does not exceed cap fixed under the carbon budget for that budgetary period.

(2) The carbon budget for each budgetary period shall be set with a view to achieving the target of Net Carbon Account for the year 2050 to be prescribed by the Central Government under sub-section (1) of section 3.

(3) The Central Government may carry over targets of carbon budget set to a budgetary period to the next budgetary period in consultation with the National Committee and such other agencies as may be prescribed.

5. While taking a decision on setting the target of carbon budget under section 4, the Central Government shall take the following into account:—

Various aspects under carbon budgeting.

- (i) scientific knowledge and technology relevant to climate change;
- (ii) impact of the decision on the economy and the competitiveness of various sectors of the economy;
- (iii) impact of the decision on fiscal scenario, in particular, on taxation, public spending and public borrowing;
- (iv) social situation;
- (v) likely impact of the decision on energy supplies and the carbon and energy intensity of the economy;
- (vi) climate change issues at regional and international level; and
- (vii) such other matters as the Central Government may consider necessary.

6. The Central Government shall, in consultation with the National Committee and such other agencies as it may deem necessary, implement such proposals and policies as are necessary for meeting carbon budgets.

Central Government to implement proposals and policies for meeting carbon budgets.

7. The Central Government shall lay, at such intervals as it may deem necessary, before each House of Parliament—

Laying of Reports relating to Net Carbon Account and proposals and policies for meeting carbon budgets.

(i) a Report setting out an annual range for the Net Carbon Account for each year within a budgetary period, as soon as the carbon budget has been set for that particular budgetary period; and

(ii) a Report setting out proposals and policies for meeting carbon budgets for the current and future periods.

8. The Central Government shall lay before each House of Parliament an annual monitoring statement giving the following details:—

Laying of annual monitoring statement.

(i) amounts of emissions and removals and net amounts of each of the green house gases and the overall aggregate; the methods used to calculate these amounts; and a comparative statistics with respect to previous years;

(ii) details of the carbon units credited or debited from India's Carbon Account; and

(iii) Energy Intensity Index of GDP statistics of various sectors and States.

9. The Central Government shall make following provisions for the Net Carbon Account:—

Net Carbon Account.

(i) the circumstances under which carbon units are to be credited or debited to the Net Carbon Account; and

(ii) the manner in which such crediting or debiting is to be done.

10. The Central Government shall ensure that the carbon units credited to the Net Carbon Account for a period are not used to offset other emissions within or outside the country.

Restrictions on carbon offsetting.

CHAPTER IV

NATIONAL COMMITTEE ON CLIMATE CHANGE

Constitution
of a National
Committee on
Climate
Change

11. The Central Government shall, within three months of the coming into force of the Climate Change Act, 2012, constitute a Committee to be known as the National Committee on Climate Change for the purpose of advising the Government on all matters related to Climate Change including these referred to in or arising from the implementation of this Act.

Composition
of the
National
Committee

12. (1) The National Committee shall consist of:—

(i) a Chairperson who shall be a person having special knowledge in the field of environment and climate change;

(ii) one person representing the National Green Tribunal constituted under the National Green Tribunal Act, 2010 —Member; 19 of 2010.

(iii) not less than two persons having judicial background to be nominated by the Central Government —Member;

(iv) one person to be nominated by the Central Government representing the Union Ministry of Environment and Forests —Members;

(v) one person to be nominated by the Central Government representing the Bureau of Energy Efficiency —Member; and

(vi) not less than two persons representing the non-governmental organizations working in the field of climate change, to be nominated by the Central Government in such manner as may be prescribed —Members

(2) The Central Government may, if it considers necessary, appoint one or more persons having specialized knowledge and experience in the field of climate change as *ad-hoc* members of the National Committee.

(3) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and members of the National Committee shall be such as may be prescribed.

Advice to the
Government

13. The National Committee shall advise the Central Government on the following matters:—

(i) modification to be made in the limit of carbon target/emission level specified in sub-section (1) of section 3;

(ii) integration, reconciliation and consolidation into the Climate Change Act, 2012 of such laws and policies as are related to protection of environment or climate change including the following, namely:—

(a) the Environment (Protection) Act, 1986; 29 of 1986

(b) the Air (Prevention and Control of Pollution) Act, 1981; 14 of 1981.

(c) the Motor Vehicles Act, 1988; 59 of 1988.

(d) the Indian Forests Act, 1927; 16 of 1927.

(e) the Forest (Conservation) Act, 1980; 69 of 1980.

(f) the Energy Conservation Act, 2001; and 52 of 2001.

(g) the Climate Change Action Plan;

(iii) the manner in which the emission of green house gases from different sectors such as industry, transport and power are to be tackled; and

(iv) increased and sustainable use of renewable energy and energy efficiency.

14. The National Committee shall, on a request made to it by any agency, authority or institution, give its advice or provide information or analysis or any other details related to climate change or in connection with any functions mentioned under this Act to that agency, authority or institution.

Advice to
other national
bodies.

15. (1) The National Committee shall prepare in such form and at such time, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and forward it to the Central Government, which shall cause the report to be laid before each House of Parliament within one month of its receipt.

Annual
Report.

(2) Without prejudice to generality of the foregoing provision, the annual report referred to in sub-section (1) shall also contain:—

- (i) progress that has been made towards meeting the carbon budgets;
- (ii) manner in which the budget for a period was met;
- (iii) the reasons due to which the budget for a period was not met;
- (iv) further action that is needed to meet the budgets and targets; and
- (v) whether budgets and targets for a period are likely to be met.

16. The Central Government shall, within three months of the receipt of the report from the National Committee, lay before each House of Parliament, an action taken report on the annual report submitted by the National Committee.

Action taken
reports.

CHAPTER V

CARBON TRADING SCHEME

17. (1) As soon as may be, the Central Government shall establish a Carbon Trading Authority, for the purpose of formulating the Carbon Trading Scheme.

Establishment
of a Carbon
Trading
Authority.

(2) The Authority shall cease to exist after the Carbon Trading Scheme under section 19 is formulated and approved by the Central Government.

Explanation.—In this section, "Carbon Trading Scheme" means a scheme that operates by—

(a) limiting or encouraging the limitation of activities that consist of the emission of greenhouse gas or that cause or contribute, directly or indirectly, to such emissions, or

(b) encouraging activities that consist of, or that cause or contribute, directly or indirectly, to reductions in greenhouse gas emissions or the removal of greenhouse gas from the atmosphere.

18. (1) The Carbon Trading Authority shall, within one year of the commencement of this Act, formulate a scheme to be known as the Carbon Trading Scheme.

Carbon
Trading
Scheme

(2) While formulating the Carbon Trading Scheme, the Authority may consult the National Committee or such other stakeholders as it may consider necessary.

(3) While formulating the Carbon Trading Scheme, the Carbon Trading Authority may take into account the following matters—

- (a) the application of the scheme on various sectors or institutions;
- (b) the activities to which the scheme applies;
- (c) the manner in which carbon credits are to be distributed to the participants;
- (d) the rules governing the buying and selling of carbon credits;
- (e) issue of carbon certificates to companies and other participants;
- (f) the duration of the Carbon Trading Scheme;

- (g) issues relating to definition of offences and suggested penalties; and
- (h) the implementation of the scheme at the State level.

(4) Nothing contained in section 13 shall restrict the Carbon Trading Authority from taking into account the matters which it is required to take under this section.

CHAPTER VI

MISCELLANEOUS

Power to
make rules.

19. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India's rapid economic growth and its efforts for holistic development need should not be in conflict with an ecologically sustainable development, India is the fifth largest emitter of green house gases in the world quantity wise, although, India's per capita emissions are still substantially below the world average per capita emission. Hence, it is important for India to take a proactive step in order to mitigate the emissions and to improve energy efficiency.

India has been identified as a key player at the international climate change negotiations. Hence, taking higher caps on emissions domestically (though without any legally binding international agreement) would set India as an example for other countries, thereby, inducing the other countries to take similar steps for a better global environment.

Further, although there are multiple laws for mitigating emissions from various sectors, there is no one comprehensive law which clearly defines the emission reduction targets, provides steps to be taken for reducing the emissions and sets a clear cut time line. Even the National Action Plan on Climate Change doesn't suffice. Therefore, there is a need for establishment of proper institutional framework for implementation and monitoring of the various existing missions and to take up new challenges.

Climate change is not the concern of just the Ministry of Environment and Forests but of each and every Ministry. It is the duty of the Government to integrate and coordinate the efforts of the various Ministries and properly channelize them to attain the ultimate target of reducing Green House Gas emissions and to contribute India's part in fighting the global warming and other climate Change phenomena. This Bill has been proposed to address the above mentioned issues.

NEW DELHI;
April 25, 2012

KALIKESH NARAYAN SINGH DEO

FINANCIAL MEMORANDUM

Clause 11 of the Bill provides that the Central Government shall constitute a National Committee on Climate Change for the purpose of advising the Government on matters related to climate change. Clause 12 provides for appointment of Chairperson and members of the Committee and also salaries and allowances payable to them. Clause 17 provides for the establishment of a Carbon Trading Authority for the purpose of formulating the Carbon Trading Scheme.

At this stage, it is not possible to give the exact amount to be incurred on this account. However, the expenditure, whether recurring or non-recurring, will be met out of the Consolidated Fund of India. It is expected that a recurring expenditure of about rupees one thousand crore will be involved annually.

A non-recurring expenditure of about rupees Five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 71 OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2012.

Amendment
of article 25.

2. In article 25 of the Constitution,—

(i) in clause (2), for sub-clause (b), the following sub-clause shall be substituted, namely:—

"(b) providing for social welfare and reform or the throwing open of Hindu, Sikh, Jaina or Buddhist religious institutions of a public character to all classes and sections of these religions."

(ii) *Explanation II* shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Clause (1) of article 25 of the Constitution provides to all persons freedom of conscience and the right to freely profess, practice and propagate religion subject to public order, morality and health.

Sub-clause (b) of clause (2) of article 25 provides that nothing in that article shall affect the operation of any existing law or prevent the State from making any law providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. *Explanation II* to that article provides that the reference to Hindus in sub-clause (b) of clause (2) shall be construed as including a reference to persons professing the Sikh, Jaina and Buddhist religions, and the reference to Hindu religious institutions shall be construed accordingly. This type of drafting of sub-clause (b) of clause (2) of article 25 read with *Explanation II* tends to ignore the separate and distinct identities of Sikh, Jaina and Buddhist religions. Rather, it shows that these religions are either part of Hindu religion or associated with it, which has resulted in avoidable confusion about the independent identity of these religions.

This matter was also taken up by the National Commission to Review the working of the Constitution. The Commission, in its report, has recommended that *Explanation II* to article 25 be omitted and sub-clause (b) of clause (2) of that article be rephrased with a view to distinctively refer to Sikh, Jaina and Buddhist religions.

The present Bill proposes to amend article 25 of the Constitution with a view to distinctively referring to Sikh, Jaina and Buddhist religions along with Hindu religion.

Hence this Bill.

NEW DELHI;
May 24, 2012.

RATTAN SINGH AJNALA

BILL NO. 80 OF 2012

A Bill to provide for reservation of vacancies in posts and services in establishments for persons living below poverty line and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Persons Living Below Poverty Line (Reservation of Vacancies in Posts and Services) Act, 2012.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "establishment" means an establishment which is owned, established, controlled, managed or financed by the Government and includes—

(i) a Ministry or department or subordinate office or attached office of the Government;

(ii) a public sector undertaking or statutory authority constituted under any Central Act;

(iii) a corporation in which not less than fifty-one per cent. of the paid-up share capital is held by the Government;

(iv) a university established by a Central Act and its affiliated colleges, including medical and engineering colleges and institutions;

(v) a primary or secondary school or any other educational institution, which is wholly owned by the Government or receives grant or aid from the Government;

(vi) a Government company as defined under section 617 of the Companies Act, 1956; and

(vii) an autonomous body, organisation or institution receiving grant or aid from the Consolidated Fund of India;

(b) "Government" means the Central Government;

(c) "persons living below poverty line" means such persons who according to norms fixed by the Central Government from time to time are deemed to be persons living below poverty line; and

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) There shall be reserved such percentage of posts, not below ten per cent. of total posts in every establishment, for persons living below the poverty line for appointment in civil services by direct recruitment.

Reservation of posts in establishments for persons living below poverty line.

(2) The vacancies reserved for the persons living below poverty line under subsection (1) shall be filled in such manner as may be prescribed.

(3) The vacancies reserved for persons living below poverty line during a calendar year and not filled in that year shall be carried forward to the next calendar year.

4. Every appointing authority shall maintain such documents and records, and furnish every year a report on the appointments by direct recruitment of persons living below poverty line, in such manner and at such time, as may be prescribed.

Maintenance of documents and records and furnishing of report by appointing authority.

5. The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force or any judgement, decree, order or direction of a court to the contrary regarding ceiling on reservation.

Over-riding effect of the Act.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

About twenty-seven per cent. of population in India is living below poverty line. When we look into the matter of deprivation of rights of people due to poverty, the picture that emerges is not satisfactory. Poverty compels men and women to lead a miserable financial and social life due to which they have to face hunger and illness. Their income is meagre and they have to struggle for their existence. It is now an established fact that people belonging to reserved categories have made progress on the basis of caste based reservation. Therefore, it is rational to provide reservation in posts and services to persons who are living below poverty line as a method to enable them to have a better standard of living.

We have to understand that in the case of appointments, reservation is not discrimination or a negative approach, rather it is beneficial, positive and necessary step for social and economic upliftment of neglected people facing starvation for a long time. In the present caste-based reservation system, the beneficiaries belong to middle or upper class families within that community. The extremely poor persons in the society have rarely benefited from it. Till date, a very small proportion of people living below poverty line have received the benefit of reservation.

To overcome the problems being faced by the persons living below poverty line, it is necessary that special provision is made for providing reservation in posts and services to such persons.

Hence this Bill.

NEW DELHI;
July 23, 2012.

HANSRAJ GANGARAM AHIR

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to the matters of detail only, the delegation of legislative power is of normal character.

BILL NO. 81 OF 2012

A Bill to provide for the constitution of an Authority for the purpose of promotion of generation and utilization of solar energy in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixth-third Year of the Republic of India as follows:—

1. (1) This Act may be called the National Solar Energy Authority Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

Short title,
extent and
commencement.

Definitions.

(b) "authority" means the National Solar Energy Authority established under section 3; and

(c) "prescribed" means prescribed by rules made under this Act.

Establishment
of National
Solar Energy
Authority.

3. The Central Government shall constitute an Authority to be known as the National Solar Energy Authority for the purpose of promotion of generation and utilization of solar energy in the country.

Composition
of the
Authority.

4. (1) The Authority shall consist of:—

- | | |
|---|-----------------------------------|
| (i) Minister-in-charge of the Union Ministry of New and Renewable Energy | : Chairperson, |
| (ii) Secretary, Union Ministry of Finance | : member,
<i>ex-officio</i> ; |
| (iii) Secretary, Union Ministry of Planning | : member,
<i>ex-officio</i> ; |
| (iv) Ministers-in-charge of the department of energy of all State Governments | : members,
<i>ex-officio</i> ; |
| (v) Principal Secretaries of State Governments | : members,
<i>ex-officio</i> ; |
| (vi) five persons having not less than fifteen years of experience of working in the field of non-conventional power generation sector, to be nominated by the Central Government in such manner as may be prescribed | : members; and |
| (vii) Secretary, Union Ministry of New and Renewable Energy | : member-secretary. |

(2) the Chairperson and other members of the Authority shall hold office for a period of three years.

(3) The headquarters of the Authority shall be at New Delhi.

(4) The salary and allowances payable to, and other terms and conditions of the service of members other than *ex-officio* members of the Authority shall be such as may be prescribed.

(5) The Central Government shall provide such number of officers and staff to the Authority as is required for its efficient functioning.

(6) The salary and allowances payable to, and other terms and conditions of the officers and staff of the Authority shall be such as may be prescribed.

(7) The Authority shall meet at least four times in a year.

(8) The Authority shall have its offices in every State to be headed by the Secretary of the Department of Power of the Government of that State.

(9) The Offices of the Authority in the States shall function under the overall guidance and control of the Authority.

Functions of
the Authority.

5. The Authority shall perform the following functions:—

- (i) exploring the potential of solar power generation in each State and compiling a comprehensive report on potential of solar power generation;
- (ii) providing requisite technological and financial assistance for solar energy generation;

(iii) promoting research in the field of solar energy to improve the technology with the aim of increasing solar energy generation;

(iv) promoting projects relating to solar energy for increasing the availability of equipments used in solar energy generation and also making available state-of-the-art technology, guidance and other assistance with a view to increasing solar energy generation;

(v) organizing workshops and seminars on generation, utilization and promotion of solar energy;

(vi) making recommendations for maximum use of solar energy in Government buildings;

(vii) prescribing guidelines for issuing of no-objection certificate for installation of solar energy equipments in residential units, housing colonies and offices in urban areas; and

(viii) recommending to the Government regarding payment of subsidy for promoting the use of solar energy by making it cost effective.

6. As soon as may be, but not later than two years from the commencement of this Act, the appropriate Government shall take steps to make mandatory the use of solar energy in all commercial establishments having a turnover of more than rupees ten lakh per annum.

Commercial establishments to use solar energy.

7. Any commercial establishment violating the provisions of section 6 shall be punished with fine which may extend to rupees five lakh.

Penalty.

8. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate Funds to the Authority for the effective implementation of the provisions of this Act.

Central Government to provide Funds

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Country is currently going through a phase of crisis in the power sector. Almost all sectors of the economy are suffering due to the shortage of power in the country. Persons working in the fields of industry, agriculture, health, business, education are facing hardships on account of shortage of power in the country. New technologies are being developed to overcome the shortage of power. Solar energy is one such technology. Generation of solar energy has now become easier and more cost effective. Nowadays, the cost of power based on solar energy comes to fifteen rupees per unit but with improvement in technology it is likely to come down to four rupees per unit. Power is essential to build infrastructure in the country. It is necessary to promote alternate sources of energy because of paucity of coal and pollution caused by atomic energy. In view of growing concern regarding global warming, we can increase the generation of solar energy to meet our energy needs on the basis of resources available locally. Sunshine is available in our country for 250 days out of 365 days. Desert areas and wasteland in our country have the potential of large scale generation of solar energy through solar energy projects. Government needs to take appropriate steps for it. Today, generation of solar energy and manufacturing of associated equipments are expensive. Intervention by the Government is required to make solar energy a viable alternative to other sources of energy. Intervention may be in the form of promoting research in the field of solar energy, better marketing and promoting its utilization especially in commercial establishments.

The Bill seeks to provide for legislative framework to promote the use of solar energy in residential, industrial, agriculture sectors including in Government and private establishments. Therefore, it is proposed to constitute an Authority to promote generation and utilization of solar energy in the country.

Hence this Bill.

NEW DELHI;
July 23, 2012.

HANSRAJ GANGARAM AHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the Constitution of National Solar Energy Authority. Clause 4 provides for composition of the Authority. Clause 5 provides for certain functions of the Authority. Clause 8 provides that the Central Government shall provide adequate funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees ten thousand crore is likely to be incurred.

A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 83 OF 2012

A Bill to provide for the constitution of a Council to be known as the Naxal Affected States Development Council to formulate and monitor implementation of development plans and schemes for balanced and all-round development of naxal affected States and for matters connected therewith.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Naxal Affected States Development Council Act, 2012.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Council" means the Naxal Affected States Development Council set up under section 3;

(b) "naxal affected States" means the States of Bihar, West Bengal, Maharashtra, Madhya Pradesh, Chhattisgarh, Odisha, Andhra Pradesh and Jharkhand; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Council to be known as the Naxal Affected States Development Council.

Constitution of the Naxal Affected States Development Council.

(2) The Council shall consist of—

(i) the Chief Minister of each of the naxal affected States:

Provided that if there is no Council of Ministers in any naxal affected State, the President may nominate one person to represent such State in the Council for a period till the Council of Ministers is formed in that State;

(ii) Members representing the naxal affected States in the House of the People;

(iii) Leader of Opposition in the Legislative Assembly of each of the naxal affected State;

(iv) three persons having experience of not less than fifteen years in the field of social or economic planning to be nominated by the Central Government;

(v) two persons having not less than fifteen years of experience of handling and managing internal security; and

(vi) the Secretary of the Department of Home Affairs of each of the naxal affected State.

(3) The Chairperson of the Council shall be nominated by the President from amongst the Chief Ministers of the naxal affected States in such manner, as may be prescribed.

(4) The term of office of the Chairperson of the Council shall be two years:

Provided that where a vacancy is caused in the office of the Chairperson before the expiry of the period of two years due to issue of proclamation under article 356 of the Constitution or otherwise, the President may nominate Chief Minister of any other naxal affected State as Chairperson of the Council for the remaining period or for a period till the new Chief Minister assumes office in that State, whichever is earlier.

4. (1) The head office of the Council shall be at Nagpur in the State of Maharashtra.

Headquarter and meetings of the Council.

(2) The Council shall meet at least five times in a calendar year.

(3) The proceedings of every meeting of the Council shall be forwarded to the Central Government and also to Government of each of the naxal affected States.

5. (1) The Council shall have a secretarial staff consisting of a secretary, a planning advisor, a financial advisor, a security advisor and such other officers and employees as the Central Government may, by order, determine.

Officers and staff of the Council.

(2) The secretarial staff of the Council shall function under the direction, supervision and control of the Chairperson of the Council.

(3) The Central Government shall bear the administrative expenses of the Council including the salaries and allowances payable to the secretarial staff of the Council.

6. (1) The Council shall function as a Planning body for balanced and all-round development of naxal affected States.

Functions of the Council.

(2) It shall be the responsibility of the Council to formulate plans and schemes for ensuring peace and safety in the naxal affected States:

Provided that the Council may, if it considers necessary, formulate specific and time bound projects and schemes for areas having high naxal activity and also review, from time to time, the implementation of such projects and schemes.

(3) For securing the balanced development of the naxal affected States, the Council shall forward the following proposals for consideration to the Central Government and the Governments of naxal affected States:—

- (i) augmenting security measures;
- (ii) streamlining administration;
- (iii) accelerating the industrial growth;
- (iv) improving accessibility through railways or roads;
- (v) providing communications and telecommunications facilities;
- (vi) providing electricity, drinking water and housing in rural areas;
- (vii) improving health services including multi speciality healthcare facilities;
- (viii) providing educational facilities and gainful employment including vocational education to people; and
- (ix) compensation and financial assistance to the victims of or to the dependants of persons killed or injured during naxalite or maoist violence and also providing Government jobs to such persons for their rehabilitation.

(4) For the purpose of clause (iii) of sub-section (3), the Council may recommend to the Central Government such concessions, including waiver of duty of excise, as it deems necessary, for a specific period to the industrial units in naxal affected States.

Central and State Governments to give due consideration to the proposals of the Council.

7. It shall be the duty of the Central Government and the Government of each of the naxal affected States to give due consideration to the proposals of the Council and apprise the Council of its views and decisions on such proposals.

Provision of funds to the Council.

8. The Central Government shall, after due appropriation made by Parliament by law, from time to time, provide adequate funds to the Council for implementation of development plans and schemes formulated by the Council.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The presence of naxals, maoists and anti-social elements is constantly on the rise in various parts of the country. In a number of States, there is complete disruption of administrative work due to naxal activities, who are waging war by using arms and ammunitions against the State. Almost all areas affected by naxal activity are covered with dense forests and are located far away from the main areas. All such areas are backward and poor. There is an urgent need to take effective steps to bring these socially, economically and educationally backward areas into the mainstream by taking steps for their development.

It may not be correct to consider the naxalite problem as purely a problem caused by social and economic backwardness. Naxalites are trying to impose their ideology on the people by taking advantage of the backwardness and inaccessibility of the areas in which they operate. Elected representatives of local bodies from the naxal affected areas are resigning their offices due to increasing terror of the naxalites. This is endangering democratic set up in these States. As per the reports, as many as 6687 violent incidents have occurred in the country during the last four years resulting in death of 1856 civilians and of hundreds of policemen and security personnel. Given the severity of the problem, there is an urgent need for socio-economic development of the areas besides making the administration more effective. The naxal affected States are rich not only in forests but also in precious minerals. Therefore, formulation and implementation of schemes for development of infrastructure, industries, education, health and supply of safe drinking water is the need of the hour.

The Bill proposes to set up a Naxal Affected States Development Council to focus on all-round development of the naxal affected States. The setting up of such a council will go a long way in ensuring development of naxal affected States and as a result, the people living in naxal affected States will be free from fear and enjoy the fruits of social, economic and educational development.

Hence this Bill.

NEW DELHI;
July 23, 2012.

HANSRAJ GANGARAM AHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of the Naxal Affected States Development Council. Clause 4 provides that the Council shall have its headquarter at Nagpur and meet at least five times in a calendar year. Clause 5 provides that the Council shall have a Secretariat. It further provides that the Central Government shall bear the administrative expenditure including salaries and allowances of Secretariat staff of the Council. Clause 8 provides that the Central Government shall provide adequate funds to the Council for implementing the development plans and schemes after due appropriation made by Parliament by law. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees six hundred crore is likely to be involved as a recurring expenditure per annum.

A sum of rupees four hundred crore is also likely to be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 79 OF 2012

A Bill further to amend the Protection of Human Rights Act, 1993.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:--

1. This Act may be called the Protection of Human Rights (Amendment) Act, 2012. Short title.

10 of 1994.

2. In section 2 of the Protection of Human Rights Act, 1993 (hereinafter referred to as the principal Act), in sub-section (1), clause (a) shall be omitted.

Amendment
of section 2

3. Section 19 of the principal Act shall be omitted.

Omission of
section 19

Substitution
of new section
for section
30

4. For section 30 of the principal Act, the following section shall be substituted, namely:—

Human Rights
Courts

"30. For the purpose of providing speedy trial of offences arising out of violation of human rights, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, set up for each district a special court to be a Human Rights Court to try the said offences."

STATEMENT OF OBJECTS AND REASONS

The protection of Human Rights Act, 1993, is a landmark legislation in the field of human rights. The Act, no doubt, meets the demand of the present times and takes care of all kinds of violations of human rights. However, there are two serious shortcomings in this Act which may render it less effective than what it was intended to be. The first shortcoming is the special procedure to be followed by the Commission in dealing with complaints of human rights violations by members of the armed forces under section 19 of the Act. The Commission, as such, has no authority to investigate or try the offences committed by the members of the armed forces. Since the members of the armed forces are likely to become target of malicious attack by vested interests and since the special procedure prescribed for members of armed forces is, in essence, against the spirit of this legislation, it would be proper that armed forces are also brought under the jurisdiction of the Commission and the special procedure with respect to armed forces be dispensed with.

The second shortcoming is that of the discretionary provision of setting up of special courts for trying the offences under this law. Since these offences are being treated on a special footing, the instrumentality of ordinary courts will be ineffective and time-consuming and hence would defeat the very object of the law. Therefore, it has been proposed in the Bill to make it obligatory on the part of the State Governments to set up special courts for each district for speedy trial of offences arising out of violations of human rights.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 23, 2012.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that every State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, set up special courts in each district for speedy trial of offences arising out of violation of human rights. The setting up of special Courts in Union territories will involve expenditure out of the Consolidated Fund of India. As far as States are concerned, the expenditure involved for setting up of special Courts shall be borne out of the Consolidated Funds of the respective States. However, the Central Government may have to assist the State Governments in setting up of special Courts.

The Bill, therefore, if enacted, will involve expenditure out of the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty five lakh per annum.

It is also likely to involve a non-recurring expenditure of about rupees ten lakh from the Consolidated Fund of India.

BILL NO. 78 OF 2012

A Bill to provide for compulsory teaching of Sanskrit language in schools and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Sanskrit Language (Compulsory Teaching in Schools) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions .

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government; and

(b) "prescribed" means prescribed by rules made under this Act.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, the Sanskrit language shall be taught as a compulsory subject in all schools.

Compulsory teaching of Sanskrit language in schools.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue directions for compulsory teaching of Sanskrit language in all schools from such class onwards as it may determine, within its jurisdiction.

Appropriate Government to issue directions for compulsory teaching of Sanskrit language in schools.

5. Subject to such rules, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching Sanskrit language in schools.

Appointment of Sanskrit language teachers.

6. Notwithstanding anything contained in this Act, the provisions of this Act shall apply to minority institutions only if the management of such institutions convey to the appropriate Government their willingness to include the Sanskrit language in their school curriculum.

Act to apply to minority educational institutions in certain situation.

7. The appropriate Government shall derecognize such schools, which do not comply with the provisions of section 4, after giving such institution a reasonable opportunity of being heard.

Derecognition of schools for non-compliance of the provisions of the Act.

8. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds to the States for carrying out the purposes of this Act.

Central Government to provide funds.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect of the Act.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Sanskrit language represents the soul of India. It has been the vehicle of Indian thoughts for millions. Sanskrit contains literature of exemplary value and the finest Indian minds found the expression in it.

It is indeed very sad that such a language has suffered utter neglect. Although, it is included in the Eighth Schedule to the Constitution, enough has not been done to promote it. In a situation where the new generation is running away from its own roots and has developed a contempt for the cultural traditions of our country, the importance of teaching Sanskrit becomes a matter of crucial importance. The time has come when we must make sincere efforts to make the new generation aware of the great traditions of India. Teaching of Sanskrit in schools will enable our children to identify themselves with noble traditions and thoughts of our country.

Hence this Bill.

NEW DELHI;
July 23, 2012.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of Sanskrit language teachers in all schools. Clause 8 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten crore will be involved per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 77 OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2012. Short title.
2. In article 58 of the Constitution, in clause (1), in sub-clause (a), for the word "citizen", the words "natural born citizen" shall be substituted. Amendment of article 58.
3. In article 66 of the Constitution, in clause (3), in sub-clause (a), for the word "citizen", the words "natural born citizen" shall be substituted. Amendment of article 66.
4. In article 75 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:— Amendment of article 75.

"Provided that no person shall be eligible to hold the office of the Prime Minister unless he is a natural born citizen of India."

STATEMENT OF OBJECTS AND REASONS

The ongoing process of globalisation of the country's economy has enabled the global multinational corporations to establish a powerful presence in India. Some of these corporations have annual turnover which is almost one half of India's Gross National Product (GNP). Given the enormous role that money has come to play in the political life of the country, there will be temptations for these corporations to use the power of their money to influence political developments in India.

At the same time foreign print media has begun to make inroads into our country. Alongwith western electronic media, it has launched a cultural offensive with a view to influence the thinking of Indian people.

These developments are fraught with grave consequences for India's sovereignty. Sooner or later, these foreign economic and cultural interests can be expected to make efforts to influence India's decision makers to formulate policies which may not be in national interest.

India's citizenship laws enable foreign born persons to acquire Indian citizenship. The Constitution of India enables any Indian citizen to be the President, the Vice-President and the Prime Minister, unless he is otherwise debarred. In the changing global scenario, it will not be beyond the capacity of foreign interests to manipulate a situation to project a person who is not a natural born citizen of the country and whose patriotism may be in doubt.

The posts of the President, the Vice-President and the Prime Minister are not merely sensitive posts. They hold in their hands decision-making powers which can take the country to wars or make compromises on the nation's security. Any person whose patriotism is untested should not be trusted with the fate of one sixth of humanity. That is why, in the United States for instance, only a natural born citizen is eligible to be elected as the President.

This Bill seeks to amend the Constitution to make only natural born citizens of India eligible to be the President, the Vice-President and the Prime Minister.

Hence this Bill.

NEW DELHI;
July 23, 2012.

BHOLA SINGH

BILL NO. 76 OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2012.

Short title.

2. After article 30 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 31.

"31. Every citizen who lives below poverty line shall have the right to—

Basic facilities to citizens living below poverty line.

(i) adequate health care;

(ii) shelter;

(iii) education upto the level of graduation;

(iv) guaranteed employment; and

(v) essential items of daily use at concessional rates.

Explanation.— For the purposes of this article,—

(i) "person living below poverty line" means such person whose monthly income from all sources is such as may be determined by the Union from time to time after taking into consideration all relevant factors as it may deem fit:

Provided that different criterion may be fixed for different classes of persons in various States and Union territories.

(ii) "guaranteed employment" means employment for a minimum period of 240 days in a year;

(iii) "essential items of daily use" includes fuel, items of groceries, vegetables, milk and other edible items necessary for a decent living."

STATEMENT OF OBJECTS AND REASONS

In our country a huge number of people are living below poverty line. Despite several measures to improve their lot, their standard of living has not shown any significant improvement. The people living below poverty line live in slums under miserable and unhygienic conditions. For want of adequate health care, many of them die in their early ages. They mostly remain illiterate. It is the duty of the Government to take care of those sections of the society. The people living below poverty line should be given some basic facilities in order to enable them to lead a reasonably decent life. Therefore, it is proposed to amend the Constitution with a view to making it mandatory on the part of the State to provide certain facilities to persons living below poverty line.

Hence this Bill.

NEW DELHI;
July 23, 2012.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for certain facilities like education, health care, shelter and employment, etc. to people living below poverty line. This would involve expenditure from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees five hundred crore will be involved. Non-recurring expenditure to the tune of rupees one thousand crore is also likely to be involved.

BILL NO. 98 OF 2012

A Bill to establish schools imparting education upto senior secondary level free of cost to all children in the country.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Establishment of Schools Upto Senior Secondary Level Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government; and

(b) "child" means a boy or a girl who is below the age of eighteen years.

3. (1) The appropriate Government shall establish adequate number of schools upto senior secondary level to impart education to children from classes first to twelfth standard.

Establishment of schools upto senior secondary level

(2) For the purpose of sub-section (1), the appropriate Government may, if it deems necessary, upgrade any of the existing primary, middle or secondary school to senior secondary level.

(3) Notwithstanding anything in sub-section (1), there shall be at least one senior secondary school per one thousand population in every area.

4. The appropriate Government shall provide the following facilities to every child enrolled in a school established or upgraded under section 3:—

Facilities to be provided to the students enrolled in schools.

(i) cost of admission and all other expenditure including tuition fee shall be borne by the appropriate Government;

(ii) books, notebooks and all other stationary items free of cost;

(iii) free hostel facilities, whenever necessary; and

(iv) scholarship in deserving cases.

5. (1) It shall be compulsory for every parent to admit their wards in school for the purpose of education upto senior secondary level.

Duty of parents to send their wards to schools.

(2) No person shall employ any child in any job which prevents him from attending school.

6. Whoever prevents any child from getting education upto senior secondary level, shall be punished with simple imprisonment for a term which may extend to six months.

Penalty.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the State Governments by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

Grants by the Central Government.

8. The provision of this Act shall be in addition to and not in derogation of any other law, for the time being in force in relation to any of the matters provided under this Act.

Act not in derogation of other laws.

9. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

STATEMENT OF OBJECTS AND REASONS

While a large number of primary, middle and secondary schools have been established, the students, especially in big cities, have to face hardships in securing admission to senior secondary schools because, in most of the cases, the last attended school imparts education upto primary, middle or secondary level. Students are compelled to run to district education office, schools and other authorities to get recommendations or relevant certificates to fulfil the formalities for admission in senior secondary schools. In such a situation, it is quite natural that the children as well as parents have to suffer mental agony.

Therefore, it has become necessary in the public interest to provide for the establishment of schools imparting education from classes first to twelfth or upgrade the existing primary, middle or secondary level schools to senior secondary level.

Hence this Bill.

NEW DELHI;
July 31, 2012.

J.P. AGARWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of adequate number of schools or upgrade the existing primary, middle or secondary level schools upto senior secondary level. Clause 4 provides that the appropriate Government shall bear the cost of admission and all other expenditure including providing of free of cost books, note books, stationary item, hostel facility and scholarship to the students enrolled in schools. Clause 7 provides that the Central Government shall provide funds to the State Governments for establishment of schools. The expenditure in respect of the establishment of schools in Union territories would also be borne out of the Consolidated Fund of India. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum.

A non-recurring expenditure of about rupees seventy five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 90 OF 2012

A Bill to provide for the compulsory supply of electricity to metropolitan areas and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Electricity (Priority Supply to Metropolitan Areas) Act, 2012.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "metropolitan areas" means areas or regions which are or have been declared as metropolitan areas by the appropriate Government; and

(c) "prescribed" means prescribed by rules made under this Act.

Priority supply of electricity to metropolitan areas.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall ensure that eighty per cent. of the total electricity generated under its territorial jurisdiction, including the electricity generated by foreign companies, be earmarked for the metropolitan areas.

(2) The quantum of electricity to be supplied to the metropolitan areas within the territorial jurisdiction of appropriate Government shall be determined in such manner as may be prescribed:

Provided that in every metropolitan area, the supply of electricity to the citizens living below poverty line shall be at half of the normal rates for not less than three hours in a day.

Power to make rules.

4. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

There is an acute shortage of electricity in metropolitan areas of the country. The citizens living in metropolitan areas have to face a lot of difficulties due to shortage of electricity. During summer, the situation becomes even worse. Due to non-availability of open spaces and parks near these metropolitan areas, the citizens living there feel suffocated during failure of power.

It is very well accepted that electricity is one of the basic needs of human beings. Therefore, denying the people of their essential requirement of power cannot be justified on any ground. Power outage for hours together, particularly during summer months, makes the life of the people living in metropolitan cities quite miserable. The recent collapse of northern power grid due to high demand and the outage it caused is a pertinent case in point.

It is, therefore, proposed to make the supply of electricity compulsory in the metropolitan cities located in the metropolitan areas of the country.

Hence this Bill.

NEW DELHI;
July 27, 2012.

J.P. AGARWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall supply electricity to the citizens living below poverty line in the metropolitan cities for three hours a day at half of the normal rate. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees thirty crore will be involved.

A non-recurring expenditure of rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 85 OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2012.

Amendment
of article
214

2. In article 214 of the Constitution, the following proviso shall be inserted at the end,
namely:—

“Provided that the Parliament may by law establish such number of permanent Benches of a High Court at such places in a State or a Union territory, as it may deem necessary, on the basis of area and population of that State or Union territory and the number of cases pending in the principal seat of the High Court concerned.”

STATEMENT OF OBJECTS AND REASONS

Our Constitution makes right to legal remedies a fundamental right of the citizens. But the huge number of cases pending in various courts especially High Courts is a matter of serious concern. Considering the huge geographical expanse of our country and the prevailing poverty, seeking legal remedy has become an expensive exercise. Time has come to deliver justice in an easy, quick and cost effective manner to the people. Providing speedy justice at low cost is all the more important for the people who live in remote areas lying far away from State capitals where principal seats of the most of the High Courts are located. Such a situation literally results in denial of justice to the poor persons who cannot afford to travel frequently to far off places in search of justice. The large volume of cases pending in the High Courts has resulted in delayed delivery of justice which amounts to denial of justice. Moreover, since most of the High Courts are located at State capitals, the advocates of a particular place create a monopoly for themselves charging exorbitant fees which are not within the means of poor persons and they are obliged to sell off their property in their quest of justice. If more benches of High Courts are established, it will serve many purposes including convenience and saving for the common man, less pendency of cases and speedy delivery of justice at low cost. This will help to mitigate the sufferings of the masses.

Hence this Bill.

NEW DELHI;
July 27, 2012.

J.P. AGARWAL

BILL NO. 93 OF 2012

A Bill to provide for establishment of a Technology Bank to assist professionals engaged in research work in various disciplines.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Technology Bank of India Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'Bank' means the Technology Bank of India established under section 3;

(b) 'prescribed' means prescribed by rules made under this Act; and

(c) 'professional' means a researcher or a scientist engaged in research work in space or engineering or medicine including all systems of Indian medicine or energy,

agriculture, chemicals, defence, environment, food processing, non-conventional energy sources, petroleum and allied products, science and technology including bio-technology, electronics and ocean development.

3. (1) The Central Government shall establish a Bank to be known as "Technology Bank of India" with its headquarters at New Delhi.

Establishment of Technology Bank of India.

(2) The Central Government shall establish a branch of the Bank in every State capital and Union territory.

(3) The Bank shall consist of a Chairman and four other members to be appointed by the Central Government.

(4) Every branch of the Bank shall consist of a General Manager and such other officers and staff as may be required.

(5) The terms and conditions of service and appointment, salaries and allowances of Chairman, members and employees of the Bank shall be such as may be prescribed.

4. The main object of the Bank shall be to financially assist the professionals in their research work.

Object of the Bank.

5. (1) Every professional wishing to avail of financial assistance from the Bank shall apply to the concerned branch of the Bank.

Application for loan.

(2) While applying for loan the professional shall furnish all details about his research, experience, infrastructure available with him and required amount of loan and the period for which it is required.

6. The concerned branch shall forward the application to the Head Office with its recommendations within a period of fifteen days from the date of receipt of the application.

Branch to forward application to head office.

7. (1) The Head Office shall consider the application taking into account the recommendations of the concerned branch and arrive at a decision within a period of fifteen days from the date of receipt of such application.

Head Office to decide on sanction of loan.

(2) The Head Office shall have the power either to increase or decrease the amount of loan applied for or the period for which it is sought and its decision thereon shall be final.

8. (1) Upon the decision of the Head Office to sanction the loan, the loan amount shall be given to the professional at once.

Loan.

(2) The loan amount so sanctioned shall be interest free.

(3) The loan amount shall be repayable within such period as may be determined in the terms and conditions governing the loan.

(4) The loan shall be repayable by the professional after his research work has been completed or after a period of five years from the date of sanction of loan, whichever is earlier.

9. Every professional who has been sanctioned a loan by the Bank shall, upon completion of his research work inform the Central Government or the State Government, as the case may be and the Bank about his research work.

Professional to inform Government about his research.

10. (1) Every professional who applied for loan shall give an undertaking that he shall not leave the country during the period of his research:

Professional not to leave the country during research.

Provided that the Central Government may, in special circumstances to be recorded in writing, allow a professional to go abroad to acquaint himself with the new techniques which will promote or help in his research work.

(2) No professional who has been sanctioned a loan by the Bank shall leave the country until he had submitted his research work to the Central Government and repaid the loan.

Employment
to
Professional

11. The Central Government may, after considering the research work submitted by a professional, give suitable award to him and provide him with suitable employment in an office or organization under the Central Government.

Assistance to
professionals.

12. The Central Government shall provide housing and stipend at such rates, as it may determine, to a professional during his research for a period of five years or till he completes his research, whichever is earlier.

Punishment.

13. If any professional violates the provisions of section 10, deportation proceedings shall be proceeded against him at once and he shall be punished with a fine of rupees five lakh and he shall be required to repay the loan at once.

Power to
make rules.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Due to lack of facilities and financial assistance, our young researchers and scientists are not able to do any research work or engage themselves in any project. They are lured by multinationals and foreign countries and as a result our country is not able to utilize their talent.

Therefore, it is proposed to encourage our researchers and scientists by giving them financial and other assistance to do their research work. It is accordingly proposed that the researchers shall be given interest free loan by the bank for their research work and during that period they will be provided with housing and stipend facilities. However, the researchers will have to submit their papers or project to the Government after the completion of their work so that the country can fully benefit from their work.

The Bill serves two purposes; on the one hand it helps our researchers to do their work peacefully and on the other it helps us to utilize their talent and benefit from the research work.

NEW DELHI;
July 30, 2012.

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Technology Bank of India. It further provides for the establishment of offices and branches of the bank in every State capital and Union territory. The bank shall consist of a Chairman, four other members, General Manager and other employees. Clause 4 relates to financial assistance to professionals in their research work. Clause 11 provides that the Central Government shall give award and suitable employment to those who have completed their research work. Clause 12 provides for housing and stipend to researchers for a period of five years.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees five hundred crore.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 94 OF 2012

A Bill to provide for setting up of a Bank for the purpose of advancing loans to the students for pursuing higher studies.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and
extent

1. (1) This Act may be called the Education Bank of India Act, 2012.
- (2) It extends to the whole of India.

Definitions

2. In this Act, unless the context otherwise requires,—

- (a) 'Bank' means the Education Bank of India established under section 3;
- (b) 'prescribed' means prescribed by rules made under this Act; and
- (c) 'student' means a person who is pursuing any course of study, including any professional, vocational or research study, in any college or institution or University.

3. (1) The Central Government shall set up a Bank to be known as the "Education Bank of India" with its headquarter at New Delhi and regional offices in every State and Union territory.

Setting up of Education Bank of India.

(2) The Central Government shall set up a branch of the Bank in every district of the country.

4. (1) The Bank shall be managed by a Board of Directors consisting of—

Board of Directors.

- (a) Union Minister of Human Resource Development — Chairman;
- (b) Union Minister of Finance — Member;
- (c) Education Minister of each State — Member;
- (d) three eminent educationists to be nominated by the Central Government — Members;
- (e) Chairman-cum-Managing Director of a nationalized Bank to be nominated by the Central Government — Member; and
- (f) Secretary, Union Ministry of Human Resource Development — Member-Secretary.

(2) The term of office of the members of the Board of Directors appointed under clauses (d) and (e) of sub-section (1) shall be one year.

5. (1) The Board of Directors of the Bank shall meet at such place and at such time as may be determined by the Chairman to frame out policies of the Bank.

Meetings of Board of Directors

(2) The Board of Directors shall meet at least once in a calendar year.

6. The Bank shall advance loans to the students to meet the cost of their education.

Functions of the Bank.

7. (1) An application for grant of loan shall be made to the concerned branch of the Bank by the student.

Application for loan.

(2) An application made under sub-section (1) shall be disposed of within one month from the date of its receipt.

8. (1) The loan shall be payable to every eligible student till he completes the course for which the loan was applied for.

Loans to be paid to colleges and institutions directly by the Bank.

(2) The amount of loan shall be equal to the total cost of education which shall include course fees, study materials, hostel fees, if any, and any other related expenditure in connection with the education of the student.

(3) The Bank shall make the payment direct to the college or institution where the student, whose loans has been sanctioned, is pursuing his studies.

9. (1) The following shall be eligible for seeking full amount of loan from the Bank:—

Eligibility for loan.

(a) students, whose parents cannot afford the cost of higher education and whose annual income from all sources is less than five lakh rupees; and

(b) meritorious students.

(2) A student, whose parents cannot afford the full cost of his higher education, shall also be eligible to secure a loan from the Bank to the extent of the amount he falls short of.

Terms and conditions of sanction and repayment of loan.

10. (1) The loan shall be given to every eligible student without any security or guarantee:

Provided that the Bank may demand from the student such details and such documents before sanctioning the loan as may be deemed fit.

(2) The loan shall be recovered with simple interest at the rate of four per cent. per annum.

(3) The terms and conditions of repayment of the loan shall be such as may be prescribed:

Provided that a student shall start repaying the loan one year after he has secured a job in such instalments as may be prescribed.

Loan for research purposes.

11. (1) Any student who wishes to take loan from the Bank for research purposes shall apply to the Regional Office of the Bank concerned.

(2) The Regional Office of the Bank may, after necessary enquiry, sanction the loan.

(3) The terms and conditions of sanction and repayment of such loan shall be such as may be prescribed.

Officers and staff.

12. The Central Government shall appoint such number of officers and staff as may be required for the efficient functioning of the bank.

Branches to function under the control of Regional Office.

13. All the branches of the bank shall be under the control and supervision of the Regional Office concerned.

Representation to Regional Office by aggrieved students.

14. Any aggrieved student may represent to a Regional Office who shall, after considering all aspects of the case, forward their recommendations to the headquarter of the Bank and the decision of the headquarter shall be final.

Saving.

15. Nothing in the Banking Regulation Act, 1949, shall apply to the Bank established under this Act. 10 of 1949.

Power to make rules

16. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Majority of the students in our country are not able to pursue higher education due to poor financial condition of their parents. Although, students are brilliant in their studies and want to pursue higher education, poverty comes in the way of their pursuit.

Professional and technical colleges charge exorbitant fees for admission which the students cannot afford.

With a view to encouraging poor students to continue their education, it is proposed to provide loans on easy terms to them which can be repaid after they secure jobs.

Although several banks offer loans for continuing education, such schemes are not attractive and beyond the means of majority of the parents. Therefore, it is proposed to set up a Bank exclusively for the purpose of assisting the students by providing them loans for continuing higher education.

Hence this Bill.

NEW DELHI;
July 30, 2012.

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of Education Bank of India. Clause 4 provides for nomination of three prominent educationists to the Board of Directors of the Bank by the Central Government. Clause 12 provides for appointment of necessary number of officers and staff for the Bank.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore from Consolidated Fund of India will be involved.

A non-recurring expenditure to the tune of about one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislation power is of a normal character.

BILL NO. 89 OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2012.

Amendment
of the Eighth
Schedule

2. In the Eighth Schedule to the Constitution, the existing entries 4 to 22 shall be re-numbered as entries 5 to 23, respectively, and before entry 5 as so re-numbered, the following entry shall be inserted, namely:—

"4. Chhattisgarhi."

STATEMENT OF OBJECTS AND REASONS

Chhattisgarhi language, which is one of the formats of eastern Hindi language class, in its semi *magadhi* form of Indo-aryan language is not only being spoken, understood and used by the people in Chhattisgarh but also in other States of country. Chhattisgarh Legislative Assembly had unanimously recommended on 30 March, 2001 and 13 July, 2007 to include this language in the Eighth Schedule to the Constitution. But till date, necessary action has not been taken in this regard.

Further, Chhattisgarh Legislative Assembly has unanimously passed the Chhattisgarh Official Language (Amendment) Bill, 2007 by which the Chhattisgarhi language has also been recognized as the official language in addition to Hindi in that State. The Bill was notified as an Act of the State on 11 July, 2008.

In view of the above, it is necessary that the Chhattisgarhi language is included in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
August 3, 2012.

SAROJ PANDEY

BILL NO. 108 OF 2012

A Bill to provide for the establishment of a permanent Bench of the High Court of Rajasthan at Bikaner.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court of Rajasthan (Establishment of a Permanent Bench at Bikaner) Act, 2012.

Establishment of a Permanent Bench of the High Court of Rajasthan at Bikaner.

2. There shall be established a permanent Bench of the High Court of Rajasthan at Bikaner and such Judges of the High Court of Rajasthan, being not less than five in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Bikaner in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Sri Ganganagar, Hanumangarh, Churu and Nagaur.

STATEMENT OF OBJECTS AND REASONS

Since the time a Bench of the High Court of Rajasthan, which is functioning at Jodhpur, was established at Jaipur, there has been a demand for the establishment of a permanent Bench of the High Court at Bikaner.

Rajasthan is one of the largest States and Bikaner is a divisional headquarter which is situated in the western part of Rajasthan. The region is known as Thar desert of the western region of the country.

The number of pending cases of Bikaner division in the High Court are more than sixty per cent. of the total number of pending cases. Besides, in a large number of cases, the Government of Rajasthan, its various departments or the Public Sector Undertakings and autonomous bodies under it happen to be a party. Therefore, establishment of a permanent Bench at Bikaner will not only reduce unnecessary expenditure from the public exchequer but would also benefit the people from Bikaner, Sri Ganganagar, Hanumangarh and Nagaur districts.

Hence this Bill.

NEW DELHI;
August 17, 2012.

ARJUN MEGHWAL

BILL No. 113 OF 2012

A Bill to provide for establishment of a National Commission for the welfare of farmers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Farmers Welfare Act, 2012.

(2) It extends to the whole of India.

Definitions

2. In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "National Commission" means the National Commission for Farmers established under section 3;

(iii) "natural calamity" includes drought, flood, cyclone, hailstorm, landslide, cloud burst, tsunami, earthquake or fire especially in forest and adjacent areas or such other conditions as may be notified by the appropriate Government from time to time;

(iv) "prescribed" means prescribed by rules made under this Act; and

(v) "State Commission" means the State Commission established under section 5.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Commission to be known as the National Commission for Farmers.

Establishment
of a National
Commission
for Farmers.

(2) The Commission shall consist of—

(i) Union Minister of Agriculture, who shall be its Chairperson, *ex-officio*;

(ii) three members to be appointed by the Central Government from amongst the persons having special knowledge in the field of agriculture; and

(iii) three members representing the farmers to be appointed by the Central Government.

(3) The terms and conditions of service of the Chairperson and other members of the Commission shall be such as may be prescribed.

(4) The Commission shall have such number of officers and staff including experts as may be required for its efficient functioning.

4. (1) It shall be the duty of the National Commission to take such steps, as it may deem appropriate, for the welfare of farmers and their family members.

Functions of
the National
Commission.

(2) Without prejudice to the generality of the foregoing provision, the National Commission shall ensure the following provisions for the benefit and welfare of farmers, namely:—

(i) good quality seeds, manure, pesticides, fertilizers and other necessary tools and machineries at reasonable price as per their requirements;

(ii) uninterrupted power and water supply at reasonable rates for agricultural operation;

(iii) fix and declare minimum support prices of agriculture commodities before the sowing seasons after taking into consideration all the relevant factors and in particular the following factors, namely:—

(a) input cost including capital investment;

(b) labour charges; and

(c) maintenance cost of the farm;

(iv) transportation and marketing facilities for agricultural produce;

(v) payment of adequate compensation to farmers or their family members in case of accident or death during agricultural operations;

(vi) free medical and health insurance facilities to the farmers and their family members;

(vii) adequate cold storage facility for agricultural products at appropriate places;

(viii) provision of loan facilities or financial assistance to farmers; and

(ix) provision of a comprehensive crop insurance scheme for reparation of loss of crops due to natural calamities.

Establishment
of a State
Commission
for Farmers.

5. (1) There shall be established a State Commission for Farmers by the appropriate Government in each State.

(2) Each State Commission shall work under the National Commission for Farmers to assist it in discharge of its functions.

(3) The State Commission shall consist of—

(i) Minister of Agriculture in the State, who shall be its President, *ex-officio*;

(ii) three members to be appointed by the appropriate Government from amongst the person having special knowledge in the field of agriculture; and

(iii) three members representing the farmers to be appointed by the appropriate Government.

(4) The terms and conditions of service of the President and other members of the State Commission shall be such as may be prescribed.

(5) Each State Commission shall have such number of officers and staff including experts to be appointed by the National Commission as may be required for its efficient functioning.

Establishment
of District
Office by the
State
Commission.

6. (1) The State Commission shall establish its District Office in every district within its territorial jurisdiction.

(2) The District Office shall be headed by a District Officer to be appointed by the President of the State Commission.

(3) The District Office shall maintain, review and publish a tehsilwise list of the farmers once in every six months.

Application
for availing
benefits.

7. (1) Any farmer who intends to avail benefits under this Act shall apply to the District Officer concerned in such form and manner as may be prescribed.

(2) The District Officer shall forward each application to the State Commission within three days of the date of receipt of the application.

(3) The State Commission shall, after holding such enquiry as it may deem necessary, either admit or reject the application, within thirty days from the date of receipt of application:

Provided that in case no decision is made on an application within thirty days, the applicant shall be deemed to be eligible for availing benefits under this Act:

Provided also that where an application is rejected by the State Commission, it shall record, in writing, the reasons for such rejection and communicate them to the applicant.

(4) Any applicant aggrieved by the decision of the State Commission may prefer an appeal to the National Commission in such form and manner as may be prescribed.

(5) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the applicant shall be given a reasonable opportunity of being heard.

Mode of
providing
relief or
benefit to
family
members of
farmers

8. The mode of providing relief or benefit to the family members, in case of death of a farmer, shall be such as may be prescribed by the Central Government.

Responsibility
of the
National
Commission.

9. (1) It shall be the responsibility of the National Commission to ensure effective implementation and proper monitoring of the provisions in this Act.

(2) For the purpose of sub-section (1), the National Commission shall have power to issue such directives, as it may deem appropriate, to the State Commissions.

10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the National Commission and State Commissions for carrying out the purposes of this Act.

Central Government to provide adequate funds to the National Commission.

11. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Power of the Central Government to remove difficulties

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

12. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect

13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

About seventy per cent. of the population of the country lives in villages out of which approximately ninety per cent. people are engaged in agricultural activities. The economic condition of farmers have remained more or less unchanged so far. They are always trapped in the vicious cycle of debt and the debt burden passes on to their next generation. The farmers always live in penury and remain apprehensive of their future. Therefore, the Government should take the responsibility of providing them their minimum requirements so as to enable them to perform their agricultural activities. The farmers work not only for earning their livelihood but they also provide succour to the entire nation. Of late, the incidents of committing suicides by the debt ridden farmers have increased manifold. Such cases of suicides can be avoided by providing certain facilities to farmers. If the farmers are provided with agricultural inputs at reasonable rates, the agricultural production will increase manifold which will ultimately benefit not only the farmers but the whole nation. Besides, certain other welfare measures like insurance, health service and financial assistance to farmers will go a long way to alleviate their sufferings.

Therefore, the Bill seeks to provide certain basic facilities like compensation, insurance cover, health services to farmers and their family members. It also provides for supply of good quality seeds, pesticides, manure and fertilizers and uninterrupted power and water supply, etc. to farmers for agricultural activities at reasonable cost so that they may carry out agricultural activities in an efficient manner without any hurdle.

Hence this Bill.

NEW DELHI;
August 28, 2012

MADHUSUDAN YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a National Commission for Farmers. Clause 4 provides for transportation and marketing facilities for agricultural produce, payment of adequate compensation in case of accident or death and free medical and health insurance facilities to the farmers and their family members. Clause 5 provides for establishment of a State Commission for Farmers in each State. Clause 6 provides for establishment of District Office in every district by the State Commission. Clause 10 provides that the Central Government shall provide adequate funds to the National Commission for carrying out the purposes of this Act. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 118 OF 2012

A Bill to provide for prohibition of ragging and unfair practices in educational institutions and universities and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Ragging and Unfair Practices in Educational Institutions and Universities Act, 2012.

Short title,
extent and
commencement

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "appropriate statutory authority" means any authority established under any law for the time being in force for co-ordinating or determining or maintaining the standards of education including technical and medical education and education in universities;

(c) "capitation fee" means any amount (by whatever name called),—

(i) demanded or charged or collected, directly or indirectly, for, or, on behalf of any institution, or paid by any person in consideration for admitting any person as student in such institution; and which is in excess of the fee payable towards tuition fee and other fees and other charges declared by any institution in its prospectus for admitting any person as student in such institution; or

(ii) paid or demanded or charged or collected, by way of donation, for, or, on behalf of any institution, or paid by any person in consideration for admitting any person as a student in such institution;

(d) "educational institution" means a technical educational institution or medical educational institution or any such institution, whether registered under the Societies Registration Act, 1860 or not, and recognized as such, by the appropriate statutory authority or a university as defined in section 2 of the University Grants Commission Act, 1956 and includes an institution deemed to be a University under section 3 of that Act or under any other law for the time being in force; 21 of 1860. 3 of 1956.

(e) "prospectus" includes any publication, whether in print or displayed in internet or in any electronic device for public consumption, otherwise, issued for providing fair and transparent information, relating to an institution, to the general public (including to those seeking admission in such institution) by the management of such institution or any other authority or person authorised by such institution to do so;

(f) "ragging" means an act by a student or group of students inside or outside the educational institution which causes or is likely to cause physical or psychological harm or bring embarrassment to or creates fear in another student and includes acts of teasing, abusing, causing hurt or making one to do any act or perform something which he will not willingly do in the ordinary course.

(g) "prescribed" means prescribed by rules made under this Act; and

(h) "unfair practice" includes—

(i) charging of capitation fee;

(ii) charging of exorbitant fee;

(iii) lack of transparency in conducting entrance test;

(iv) recruiting teaching and office faculty with low salary;

(v) recruiting teachers without adequate qualification;

(vi) exploitation of teachers;

(vii) allowing students to take examination without adequate attendance;

(viii) malpractice in evaluation;

(ix) advertising falsely about infrastructure or institution with the intention to induce students to take admission;

- (x) exorbitant charges for prospectus;
- (xi) accepting any fee or charge without proper receipt;
- (xii) admitting ineligible students;
- (xiii) allowing students to copy;
- (xiv) victimizing students, particularly those belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and the weaker sections of society;
- (xv) withholding educational certificates to eligible students; and
- (xvi) impounding of educational certificates or passports of teachers and office staff without valid reasons or compelling teachers to award pass marks to certain students.

3. Ragging in educational institutions is hereby prohibited.

Prohibition of ragging.

4. (1) Any act of ragging brought to the notice of the head of the educational institution or any other person responsible for the management of the educational institution shall be inquired into expeditiously.

Inquiry on ragging.

(2) Where after conclusion of enquiry, a student is found guilty of committing or participating in or abetting the act of ragging, he shall be expelled from the educational institution and shall not be admitted in any other educational institution.

(3) Where the findings of the inquiry report are disputed by the expelled student, the educational institution shall forward the enquiry report to the Redressal Committee constituted under section 11.

5. (1) No educational institution shall, for admission in any course or programme of study, accept any payment, other than the fee and charges mentioned in its prospectus.

Educational institutions not to accept fee and charges not mentioned in prospectus.

(2) Every educational institution shall issue a proper receipt of the fee and charges to the students admitted in the institution.

6. (1) No educational institution shall, directly or indirectly, demand or charge or accept any capitation fee or donation, as a consideration for admission in a course or programme of study.

Prohibition of capitation fee.

(2) No person shall, directly or indirectly, offer or pay any capitation fee or donation, either in cash or kind, for obtaining admission in a course or programme of study.

7. Any educational institution, which violates the provisions of section 6, shall, without prejudice to proceedings for prosecution under any other law for the time being in force, be liable to a penalty which may extend to one lakh rupees.

Penalty for demanding or accepting capitation fee.

8. Every educational institution shall, before the expiry of ninety days prior to the date of commencement of admission process to any of its course or programme of study, publish a prospectus containing all such minute details, as may be prescribed, regarding admission.

Mandatory publication of prospectus.

9. Any educational institution, which does anything contrary to the information published by it in its prospectus or resort to any unfair practice, shall, without prejudice to any proceedings for prosecution any other law for the time being in force, be liable to a penalty which may extend to ten thousand rupees.

Penalty for doing contrary to information in prospectus.

10. Any aggrieved person or any other person, on behalf of such aggrieved person, may make complaint of ragging or unfair practice or demand of capitation fee or donation, in such form and manner, as may be prescribed, to the Redressal Committee constituted under section 11.

Complaint of unfair practice.

Constitution
of the
Redressal
Committee in
every district.

11. (1) The appropriate Government shall constitute, in every district having any educational institution, a Committee to be known as the Redressal Committee.

(2) The Committee shall consist of—

- (a) a Chairperson;
- (b) two judicial members;
- (c) two academic members; and
- (d) two administrative members.

(3) The terms and conditions of service of the Chairperson and other members of the Committee shall be such as may be prescribed.

(4) The Committee shall have such number of officers and staff as may be required for its efficient functioning.

Functions of
the
Committee.

12. (1) The Committee shall—

(i) enquire into every case of ragging referred to it by the educational institutions within its territorial jurisdiction or received directly from any aggrieved person or any other person on behalf of such person;

(ii) enquire into every complaint of unfair practice or demand of capitation fee or donation by an educational institution within its territorial jurisdiction;

(iii) recommend punitive action against the erring educational institution; and

(iv) recommend compensation to the victims of ragging or unfair practices by the institution concerned;

(2) The Committee shall dispose of every complaint within a period of ninety days from the date of receipt of such complaint.

(3) The Committee shall afford an opportunity of being heard to every person or institution against whom a complaint is made.

(4) The Committee shall forward its report of enquiry into a complaint to the appropriate statutory authority, which shall recommend such action against the institution, as may be prescribed.

Act to have
overriding
effect.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There has been mushrooming growth of higher educational institutions in recent years especially, the technical and medical educational institutions.

There have been allegations that these educational institutions are resorting to unfair practices such as charging of capitation fee, demanding donations, not issuing receipt in respect of payments made by or on behalf of students, low quality delivery of education services, false claims of quality education through misleading advertisement, etc. There is no law to check the malpractices in such educational institutions. A mechanism to provide for speedy resolution of matters relating to malpractices in higher educational institutions is required to be in place in order to provide relief to the victims of such malpractices. The Bill, therefore, seeks to provide, *inter alia*, for—

- (1) banning of acts of ragging within or outside the educational institutions;
- (2) prohibition of capitation fee and unfair practices by educational institutions; and
- (3) constitution of redressal committee for early disposal of complaints.

Hence this Bill.

NEW DELHI;
September 5, 2012

RAKESH SINGH

FINANCIAL MEMORANDUM

Clause 11 of the Bill provides for constitution of the Redressal Committees in every district of the country to enquire into malpractices by educational institutions. The State Governments will have to bear the expenditure in respect of educational institutions established under Act of Legislative Assembly from their respective Consolidated Funds. However, the Central Government shall have to bear the expenditure in respect of educational institutions established by or under an Act of Parliament as well as educational institutions in the Union territories.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees three crore may be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 119 OF 2012

A Bill further to amend the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

Short title.

1. This Act may be called the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Act, 2012.

2. In section 3 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as the principal Act),—

Amendment
of section 3.

34 of 2003.

(i) after clause (h), the following clause shall be inserted, namely:—

47 of 1999.

'(ha) "mark" shall have the meaning as assigned to it under sub-section (m) of section 2 of the Trade Marks Act, 1999;'

(ii) after clause (j), the following clause shall be inserted, namely:—

'(ja) "principal display area" means—

(i) in the case of box type packages, those two equal faces of the box which have the largest area and are visible under normal or customary conditions of sale or use;

(ii) in the case of conical or cylindrical type of packages, the entire curved area of the package which is visible under normal or customary conditions of sale or use; and

(iii) in the case of any other form or type of package, the entire surface area of the package which is visible under normal or customary conditions of sale or use;'

(iii) after clause (p), the following clause shall be inserted, namely:—

47 of 1999

'(pa) "trade mark" shall have the meaning as assigned to it under section 2 of the Trade Marks Act, 1999;'

3. In section 5 of the principal Act, in sub-section (2), proviso (a) and (b) shall be omitted.

Amendment
of section 5.

4. In section 7 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

Amendment
of section 7.

"(4) The specified warning shall occupy at least sixty per cent. of the principal display area of the package in which cigarettes or any other tobacco products have been packed for distribution, sale or supply."

5. After section 7 of the principal Act, the following section shall be inserted, namely:—

Restrictions
on printing
and packaging
of cigarettes
and other
tobacco
products.

"7A. Every package of cigarette or any other tobacco product shall comply with the following conditions, namely:—

(i) the business or brand or company name, trade mark or any other mark shall appear—

(a) on the outer surface of the package not more than once;

(b) in not more than one line; and

(c) horizontally below the specified warning with such font size and font style as may be prescribed;

(ii) the colour and texture of the outer and the inner surfaces of every package shall be such as may be prescribed;

(iii) a package shall not have any embossing, ridges, irregularities of shape or size, removable or folding tabs, inserts or onsets or any other embellishment; and

(iv) a package shall not be printed, painted or coated with an ink or material which changes colour with passage of time or becomes visible in certain light or reveals any text or picture when scratched."

STATEMENT OF OBJECTS AND REASONS

Tobacco use is responsible for nearly six million deaths every year across the world. If the use of tobacco remains unchecked, this number is likely to cross eight million by the year 2030. These deaths are an outcome of preventable causes. In our country itself, about one million people die every year due to use of tobacco. The Planning Commission puts the annual health cost of tobacco related diseases in India at approximately \$6.5 billion.

World Health Organisation under its Framework Convention on Tobacco Control recommends norms for packaging and labeling of tobacco products. It is believed that such norms can help reduce the demand for tobacco products. Independent research studies conducted by other organizations have also concluded that removal of brand description from packages of cigarettes and other tobacco products reduce the appeal of smoking, especially among the youth.

In December 2012, Australia will become the first country to enforce 'plain packaging' norms for tobacco products. Plain packaging requires standardization of packages across brands. It restricts tobacco industry logos, brand imagery, colours and promotional text appearing on packages. Brand and product names are allowed only in a standard colour, position, font style and size in a pre-defined area on the package. These norms are expected to be a vital preventive public health measure in Australia.

This Bill amends the original Act to stipulate for plain packaging of tobacco products in India. It increases the size of the health warning and the accompanying graphic. It also prohibits advertisement of tobacco products in warehouses and shops at the point of sale. It is expected that these changes will help in reducing the consumption of tobacco and educate the citizenry about the ill-effects of tobacco use.

Hence this Bill.

NEW DELHI;
September 10, 2012.

BAIJAYANT PANDA

BILL NO. 115 OF 2012

A Bill to provide for certain basic facilities to the persons belonging to the Scheduled Castes and living in hamlets and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Castes Hamlets (Provision of Basic Facilities) Act, 2012.

Short title and
commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, "hamlet" means a small village or a cluster of houses inhabited by the persons belonging to the Scheduled Castes.

Definition.

Identification of hamlets inhabited by persons belonging to Scheduled Castes.

3. (1) The Central Government shall, within a period of one year from the date of coming into force of the Scheduled Castes Hamlets (Provision of Basic Facilities) Act, 2012, identify the hamlets inhabited by the persons belonging to the Scheduled Castes.

(2) For the purpose of identifying hamlets under sub-section (1), the Central Government shall use such methods as it may deem fit.

Funds to the State Governments for providing certain basic facilities

4. The Central Government shall provide adequate funds to the State Governments for the purposes of providing the following basic facilities free of cost to the persons belonging to the Scheduled Castes and living in hamlets identified under section 3, namely:—

- (i) potable water;
- (ii) electricity;
- (iii) sewage facilities;
- (iv) toilet facilities;
- (v) road connectivity;
- (vi) primary health centres;
- (vii) parks;
- (viii) crematorium; and
- (ix) pucca dwelling units.

Act not to be in derogation of any other law.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being.

Power to make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The persons belonging to the Scheduled Castes have been, for centuries, the most neglected, marginalized and exploited. After independence, the polity of our nation has realized the importance of development of weaker sections specially the Scheduled Castes. Consequently, planned efforts have been made for their upliftment by the successive Governments. However, the benefits of affirmative action by the successive Governments for the welfare of persons belonging to the Scheduled Castes have reached only to a small section of these persons in the last sixty-four years. Majority of persons of these castes are facing a lot of problems due to poor living conditions in the hamlets where they live in. They do not have access to the basic necessities of life like potable water, sanitation, *pucca* houses, electricity etc., and are, therefore, unable to live a dignified life.

Therefore, it is proposed that all hamlets inhabited by the persons belonging to the Scheduled Castes should be provided with all basic facilities to improve their standard of living.

Hence this Bill.

NEW DELHI;
November 5, 2012.

P.L. PUNIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for identification of hamlets inhabited by the persons belonging to the Scheduled Castes. Clause 4 provides that the Central Government shall provide adequate funds to the State Governments for providing certain basic facilities to the persons belonging to the Scheduled Castes and living in hamlets. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum.

A sum of rupees ten thousand crore would be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 120 OF 2012

A Bill to provide for the establishment of a Corporation for the Welfare and advancement of persons belonging to economically weaker class and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Economically Weaker Class Corporation Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "Corporation" means the Economically Weaker Class Corporation established under section 3;

(iii) "economically weaker class" means any household except those belonging to the Scheduled Castes or the Scheduled Tribes whose annual income from all sources does not exceed rupees two lakh or such amount, not less than rupees two lakh, as the Central Government may, from time to time, notify; and

(iv) "prescribed" means prescribed by rules made under this Act.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Corporation to be known as the Economically Weaker Class Corporation.

Establishment
of
Economically
Weaker Class
Corporation

(2) The Corporation shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The general superintendence, direction and management of the affairs and business of the Corporation shall vest in a Board of directors which may exercise all such powers and do all such acts as may be exercised or done by the Corporation under this Act.

(4) The Board of directors shall consist of —

(a) a Chairperson; and

(b) six other directors,

to be appointed by the Central Government in such manner as may be prescribed.

(5) The salaries and allowances payable to and other terms and conditions of service of the Chairperson and other directors of the Corporation shall be such as may be prescribed.

(6) The Corporation shall have its office at such place as may be prescribed.

(7) The Corporation shall, in consultation with the Central Government, appoint a Managing Director and such number of officers and staff, as it may deem necessary for its efficient functioning.

(8) The salaries and allowances payable to and other terms and conditions of service of the Managing Director and other Officers and staff of the Corporation shall be such as may be prescribed.

4. (1) The Corporation shall have a Fund with an initial corpus of rupees five thousand crore.

Fund of the
Corporation.

(2) The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, credit such sums to the Fund as may be necessary for carrying out the purposes of this Act.

(3) The Fund shall be administered by the Chairperson of the Corporation or by any director of the Corporation authorized by him in this behalf.

5. The Corporation shall,—

Functions of
the
Corporation.

(i) in consultation with the State Governments, identify the families belonging to economically weaker class by evolving such methods, as it may deem fit;

(ii) maintain a register of families belonging to economically weaker class;

(iii) provide the following facilities to the families belonging to economically weaker class,—

(a) free educational facilities to the children;

(b) educational loan for higher education at concessional rate of interest;

(c) opportunities for employment and self employment;

(d) free healthcare facilities;

(e) financial assistance for setting up of self-employment units;

(f) housing facilities at subsidised rates; and

(g) provision of supply of essential commodities of daily use at subsidised rates.

(iv) recommend to the Central Government the welfare measures for overall development of the families belonging to the economically weaker class;

(v) recommend to the Central Government the quantum of reservation of seats in higher educational institutions including technical and professional institutions in favour of persons belonging to the economically weaker class:

Provided that while recommending the quantum of reservation, the Corporation shall ensure that it bears at least the same ratio as the population of economically weaker class bears to the total population of the country;

(vi) recommend to the Central Government the quantum of reservation of posts and services under the Central Government in favour of persons belonging to the economically weaker class:

Provided that the quantum of reservation recommended by the Corporation shall not be less than ten per cent. of the total number of the posts and services under the Central Government.

Recommendations of the Corporation to be implemented by the Central Government.

6. (1) It shall be the duty of the Central Government to implement the recommendations of the Corporation.

(2) The implementation of the recommendations of the Corporation shall have effect notwithstanding anything contained to the contrary in any judgement, decree or order of any Court or in any other law for the time being in force.

Annual report.

7. (1) The Corporation shall prepare, in such form and manner, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and submit it to the Central Government.

(2) The Central Government shall cause to be laid before each House of Parliament the report submitted to it under sub-section (1).

Act to be in addition to any other law for the time being in force.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with any of the matters dealt with in this Act.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A considerable chunk of our society is living below poverty line. They are deprived of adequate access to the basic needs of life such as health, education, housing, food, security, employment, etc. These persons belong to vulnerable, disadvantaged and marginalised section of the society and are deprived of enjoying their basic rights. Ours is a welfare State. It is the duty of the welfare State to ensure overall development of all sections of society. Successive Governments have taken steps to address the grievances of persons living below poverty line from time to time. However, till date there has been no consensus on defining and measuring the poverty. Therefore, welfare measures to provide easy access to education, food, housing, security and employment to the persons belonging to economically weaker class of the society in a targeted manner are not being implemented effectively.

The Bill proposes to establish a Corporation to:—

- (i) identify the persons belonging to economically weaker class;
- (ii) maintain a register of persons belonging to economically weaker class;
- (iii) provide certain facilities like financial assistance, housing, educational loan, health care facilities to the persons belonging to the economically weaker class; and
- (iv) suggest measures to the Central Government for overall development of persons belonging to the economically weaker class.

The Bill also provides for reservation in posts and services under the State and in admission to educational institutions in favour of persons belonging to economically weaker class on the recommendations of the Corporation.

Hence this Bill.

NEW DELHI;
November 5, 2012.

P.L. PUNIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of the Economically Weaker Class Corporation. Clause 4 provides for constitution of Fund with an initial corpus of rupees five thousand crore and it also provides for supply of adequate funds by the Central Government from time to time for carrying out the purposes of this Act. Clause 5 provides for identification and maintaining of a register of families belonging to economically weaker class. It also provides for certain facilities like free education to the children, opportunities for employment and self-employment, financial assistance, educational loans at subsidised rates of interest, housing, etc. to the persons belonging to the economically weaker sections. Clause 6 provides for implementation of the recommendations of corporation by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten thousand crore will be involved per annum.

A non-recurring expenditure of about rupees six thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 121 OF 2012

A Bill further to amend the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

1. (1) This Act may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Amendment Act, 2012.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as the principal Act), after sub-clause (vii) of clause (i), the following sub-clause shall be added, namely:—

"(viii) albinism oculocutaneous (*surajmukhi*);".

Amendment
of section 33.

3. In section 33 of the principal Act, —

(a) for the words "three per cent.", the words "five per cent." shall be substituted;

(b) for the brackets, figure and words "(iii) locomotor disability or cerebral palsy," the following shall be substituted, namely:—

"(iii) locomotor disability or cerebral palsy;

(iv) mental retardation;

(v) albinism oculocutaneous (*surajmukhi*);".

STATEMENT OF OBJECTS AND REASONS

Persons with mental retardation are not insane persons. They can do simple repetitive jobs under sheltered conditions provided by the appropriate Government. Therefore, they need to be encouraged and given economic security by providing reservation to them in jobs under the State.

There are people who suffer from disease of albinism which is a genetic defect. People with oculocutaneous albinism have white or pink hair, skin and iris colour as well vision problem. But they are not given facilities like others who suffer from low vision or blindness.

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 provides for reservation of posts in Government jobs for persons with blindness or low vision, hearing impairment, locomotor disability or cerebral palsy. However, there is no provision for reservation of posts for persons suffering from mental retardation or "oculocutaneous albinism" also known as '*surajmukhi*' in Hindi. The Bill, therefore, seeks to amend section 33 of the Act with a view to providing that one per cent. each of vacancies shall be reserved in every establishment for persons suffering from "mental retardation" and "albinism oculocutaneous".

NEW DELHI;
November 5, 2012.

ARJUN MEGHWAL

BILL NO. 129 OF 2012

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of
new section
for section
124A.

2. For section 124A of Indian Penal Code, 1860, the following section shall be substituted, namely:— 45 of 1860.

Advocating
overthrow of
Government
by force or
violence.

“124A. Whoever, knowingly or wilfully, by words, either spoken or written, or by signs, or by visible representation or otherwise, advocates the overthrow of the Government or an institution established by law, by the use of force or violence or by assassinating or kidnapping any employee of such Government or institution or any

public representative or provokes another person to do such acts shall be punished with imprisonment which may extend to seven years, or with fine or with both.

Explanation.—Mere criticism or comments expressing disapproval of the Government or any act of the Government shall not constitute an offence under this section.”.

STATEMENT OF OBJECTS AND REASONS

The debate around section 124A of the Indian Penal Code, 1860 (IPC) is not new. This section penalizes sedition and was first introduced by the then British colonial regime in the year 1870 to deal with people spreading disaffection against the Government. Mahatma Gandhi described it as the “prince among the political sections of the IPC designed to suppress the liberty of the citizen.” Gandhiji himself was charged with sedition many a times under this section. Other victims of this law include renowned nationalists like Bal Gangadhar Tilak and Annie Besant.

Several members of the Constituent Assembly,— in particular —K.M. Munshi and T.T. Krishnamachari had questioned the relevance of such a law in a modern democracy. Even Pandit Nehru had termed it as “highly objectionable and obnoxious”. However, section 124A not only remains in the statute book, but continues to be used regularly. There are several instances when this section has been misused by authorities and applied frequently against innocent civilians, activists, journalists and political opponents.

Recently, the arrest of anti-corruption activist and cartoonist Aseem Trivedi on charges of sedition for making caricatures of Parliament, Constitution and the national emblem created huge public outcry. It is important to note that this was not a one-off incident. Previously, the sedition law had been applied to civil rights activist Binayak Sen and writer Arundhati Roy.

This raises serious questions about the relevance of this law in a modern constitutional democracy. Mahatma Gandhi, during his trial in 1922 had said, “Affection cannot be manufactured or regulated by the law. If one has no affection for a person, one should be free to give the fullest expression to his disaffection, so long as he does not contemplate, promote or incite violence.” The Supreme Court has also taken a similar stand while evaluating the constitutional validity of this section in the Kedar Nath vs. State of Bihar case, wherein the Court clearly laid down that the section should be applicable only for acts that incite violence or public disorder. The problem thus lies at the lower courts and the investigating authorities that continuously disregard Supreme Court's interpretation of the law.

If we compare the said provision in our statute book with other countries, we find that in most developed countries, the crime of sedition has either been abolished or narrowed down in their statute books. United Kingdom and New Zealand have abolished it. Australia has also narrowed it down considerably. It has been used rarely in the United States and the courts have given wide protection to persons giving political speech, except in cases where it leads to lawlessness. The offence of sedition is considered unnecessary and inappropriate in modern liberal democracies, where the right of the citizen to criticize and challenge Government structures and processes is well accepted.

Thus, this Bill seeks to replace section 124A of the Indian Penal Code with a new section that allows for exchange of ideas, however unpopular or radical they may be. It specifically excludes criticism of the Government from the ambit of the section. However, it imposes some reasonable restrictions on the exercise of this freedom by penalizing people who advocate the overthrow of Government by force or violence or by the assassination or kidnapping of Government employees or public representatives. The maximum punishment is also reduced from life imprisonment to seven years.

These changes are aimed at safeguarding the right of the citizens to freedom of expression, while at the same time ensuring that unfettered freedom of some does not lead to violence or disorder for others.

Hence this Bill.

NEW DELHI;
November 5, 2012.

BAIJAYANT PANDA

BILL NO. 128 OF 2012

A Bill to provide for the establishment of an Agricultural Produce Price Fixation Board to fix the remunerative support price of agricultural produce including fruits and vegetables on annual and seasonal basis and timely intervention by the Government at the time of steep fall in prices of such produce in the open market and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural Produce (Remunerative Support Prices and Miscellaneous Provisions) Act, 2012.

Short title
and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Agricultural produce" includes wheat, paddy, pulses, sugarcane, cotton, oil seeds, coarse grains like maize, millet, jowar, bajra, gram, soyabean, fruits and

vegetables such as potato, onion, tomato, cauliflower, cabbage including such other agricultural or horticultural produce which are used for human consumption or for any medicinal purposes;

(b) "appropriate Government" means in the case of a State, the State Government and in the other cases, the Central Government;

(c) "Board" means the Agricultural Produce Price Fixation Board established under section 3;

(d) "Government agency" means and includes any agency of the Government by whatever name called or which receives grants from the Government and which is engaged in procurement, distribution and canalising agricultural produces; and

(e) "prescribed" means prescribed by rules made under this Act.

Establishment
of an
Agricultural
Produce Price
Fixation
Board.

3. (1) The Central Government shall, as soon as may be, but not later than six months from the date of commencement of this Act, by notification in the Official Gazette, establish a Board to be known as Agricultural Produce Price Fixation Board.

(2) The Headquarters of the Board shall be at Hyderabad in the State of Andhra Pradesh.

(3) The Board shall consist of:—

(a) A Chairperson and a Deputy Chairperson with agricultural background and holding agricultural qualifications, to be appointed by the Central Government;

(b) one member from each zonal office of the Board;

(c) one member each to represent the Union Ministries dealing with Agriculture, Consumer Affairs, Food and Public Distribution, Food Processing Industries and Chemicals and Fertilisers;

(d) one member to represent the Indian Council of Agricultural Research;

(e) four members to be appointed by the Central Government from amongst the farmers and agricultural labourers, in rotation from various States; and

(f) four members of Parliament, of whom two shall be from Lok Sabha and two from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses.

(4) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose off property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(5) The Board shall set up one zonal office each in the eastern, western, northern, north eastern, central and southern parts of the country comprising of such States and Union territories, as may be determined by the Board and each zonal office shall consist of such members as may be prescribed.

(6) The term of office of the Chairperson, Deputy Chairperson and the manner of filling vacancies and the procedure to be followed in the discharge of their functions shall be such as may be prescribed.

Functions of
the Board.

4. (1) The Board shall,—

(i) fix and declare minimum remunerative support prices of agricultural produce before every sowing season after examining the recommendations of all the zonal offices:

Provided that different prices may be fixed for different produce and for different zones;

(ii) fix the issue prices of foodgrains for retail sale to consumers every year.

(2) The Board shall perform its functions in close liaison with Government agencies, institutions including co-operative societies and such other authorities concerned with the procurement, supply, distribution, trade of agricultural produce and avoid duplication of efforts.

(3) The Board shall give wide publicity to the remunerative prices fixed for agricultural produce through electronic and print media throughout the country.

5. (1) It shall be the duty of each zonal office of the Board to recommend to the Board the remunerative support prices of agricultural produce in respect of its jurisdiction.

Function of
the zonal
office.

(2) Every zonal office of the Board, before recommending the minimum support remunerative prices of agricultural produce, shall take into account all relevant factors, but in particular, the following, namely:—

- (a) average capital investment made by farmers in growing the produce;
- (b) average labour charges;
- (c) interest on loans borrowed for growing the produce;
- (d) premium for crop insurance, if any;
- (e) maintenance cost of the land;
- (f) expenditure on fertilizers, seeds and electricity, etc.;
- (g) any concession, rebate or subsidy provided by Government in relation to agricultural produce;
- (h) prevailing open market price of each product;
- (i) climatic conditions and incidence of natural calamities like floods, droughts, hailstorms, cyclones and untimely rains; and
- (j) average monthly household expenditure of an average farmer.

6. (1) In case any farmer fails to sell his produce in the open market at the desired prices, the Central Government shall purchase his produce at the price fixed by the Board through Government agencies.

Government
agencies to
purchase
agricultural
produce.

(2) If there is a steep fall in the prices of agricultural produce in the open market, it shall be the duty of the appropriate Government to intervene through its agencies in the market to ensure that farmers shall get minimum support price of the produce and take such other measures as it may deem necessary to handle the situation and protect the interests of the farmers.

7. (1) If any farmer is not satisfied with the declaration of price fixed for any agricultural produce, he may file an appeal to the Central Government within thirty days for reviewing of such price.

Appeal to
Central
Government
regarding
price
fixation

(2) The Central Government shall give its decision within fifteen days from the date of filing of such appeal.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Board for carrying out the purpose of this Act.

Central
Government
to provide
funds.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have
overriding
effect

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country, the farmer and his family entirely depends on the crop he grows and reaps. The crop is the result of his hard work and his expectations are always for the remunerative prices so that he could repay the loans which he borrowed for growing agricultural produce and to meet social obligations and household expenditure. But unfortunately, it is an usual phenomenon that in the immediate post harvest period the prices of most of the agricultural produce decline very sharply and farmers are left high and dry and at the mercy of unscrupulous traders who exploit them to the maximum possible.

Similarly, it is now very common that whenever there is bumper crop of anything, be it foodgrains or vegetables, the prices of such items fall very steeply. For instance when there is bumper crop of any commodities, their prices fall to the extent that the growers have no choice but to throw them on the roadsides and it has been noticed that the farmers sometimes burn their sugarcane on the fields. But even the Government does not come to their rescue. Hence, there is an urgent need to provide that Government should intervene at such times to protect the interests of the farmers.

The Agricultural Ministry of the Union Government fixes the minimum support prices of agricultural produce but generally such prices are not realistic ones and there has always been discontentment amongst the farmers regarding such prices because they remain far below the expectations of the farmers. It is, therefore, necessary to set up a statutory autonomous Agricultural Produce Price Fixation Board and including therein the representatives of the farmers and agricultural labourers to fix the remunerative prices for agricultural produce taking into consideration all the aspects. It will also be mandatory for the Government to purchase agricultural produce from the farmers through their agencies. It is felt that the guarantee of a minimum assured price will further give the requisite boost to our agriculture sector and our farmer will prosper which he really deserves.

Hence this Bill.

NEW DELHI;
November 6, 2012.

MAHENDRASINH P. CHAUHAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Agricultural Produce Price Fixation Board. It further provides for setting up of zonal offices. Clause 4 provides that the Board shall give wide publicity through electronic and print media about the prices fixed. Clause 6 provides that the Central Government shall purchase agricultural produce at the prices fixed by the Board. Clause 8 provides for payment of adequate funds to the Board for carrying out the purposes of the Act. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore may be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees one thousand crore may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of detail only.

The delegation of legislative power is, therefore, of normal character.

BILL NO. 125 OF 2012

A Bill further to amend the Prevention of Cruelty to Animals Act, 1960.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 1960.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 38

2. In section 38 of the Prevention of Cruelty to Animals Act, 1960, in sub-section (2), after clause (h), the following clause shall be inserted, namely:—

59 of 1960

“(ha) ensuring that the number of animals to be transported in a vehicle is in proportion to the carrying capacity of the vehicle;”.

STATEMENT OF OBJECTS AND REASONS

Our Parliament had enacted a law—the Prevention of Cruelty to Animals Act, 1960 to prevent cruel and ruthless treatment of animals. In pursuance of that Act, some norms were laid down for transporting animals from one place to another without hurting them. At the time of enactment of the said law, the carrying capacity and power of vehicles used for transporting animals was limited. Today vehicle technology has changed a lot. Vehicles with more loading capacity are available in the market. But the number of animals such as cows, buffaloes, bulls, sheep, goats, etc. that can be transported has been restricted under this law. The number of animals that can be transported in big trucks is also limited and that is the reason why vehicle owners also suffer economic loss. As the said provision of the above Act has become obsolete, it is necessary to amend it to bring it in sync with the necessity of present times. It will enable the transportation of animals as per the carrying/loading capacity of the vehicles.

Hence this Bill.

NEW DELHI;
November 7, 2012.

MAHENDRASINH P. CHAUHAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

The proposed amendment in the Bill empowers the Central Government to make rules for transportation of animals in vehicles. The rules will relate to matters of detail only.

The delegation of Legislative power is, therefore, of a normal character.

BILL NO. 131 OF 2012

A Bill to provide for free educational and hostel facilities upto post graduation level for the students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Free Educational and Hostel Facilities to Students Belonging to the Scheduled Castes, the Scheduled Tribes and Economically Weaker Class Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “economically weaker class student” means a student whose family income from all sources is not more than rupees twenty thousand per annum;

(c) “educational institution” means any college or institution or university imparting higher education including medical and technical education, recognized by the Government or established under an Act of the Central Government or a State Government; and

(d) “prescribed” means prescribed by rules made under this Act.

3. Every educational institution shall provide free education to students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class for a period of six years from the date of his enrollment in such institution or till the completion of the course of study, whichever is earlier, in which that student is enrolled in such manner as may be prescribed.

Free educational facilities for students belonging to certain categories.

Explanation.—For the purpose of this section, free education includes,—

(a) all expenses incurred on admission and tuition fees;

(b) provision of books and stationery items free of cost; and

(c) scholarships, in such cases as may be prescribed.

4. The appropriate Government shall provide free hostel facilities to students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class, in such manner and for such period, as may be prescribed.

Free hostel facilities

5. The appropriate Government shall establish and maintain or cause to be established or maintained adequate number of hostels, at such places and in such manner as may be prescribed, within its territorial jurisdiction.

Establishment of adequate number of hostels.

6. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Act not in derogation of other laws.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country even after more than sixty years of independence, most of the students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class are not able to afford even their school education leave alone university level education. The poorest among them are not able to go even to primary schools and remain illiterate and thus continue to get exploited in the society. The Government provides free school education to them but that is not enough. After completion of school education when they go to the college or university, it is beyond their reach to pay either the tuition fee or the hostel charges. Medical and Engineering students have to stay in hostels which are very expensive and students belonging to these categories cannot afford cost of staying in the hostels. This compels even the brightest students among them to opt out from higher education. In some cases their tuition fee is exempted but that is not enough. Therefore, it is necessary that students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class are provided free education and hostel facilities to enable them to pursue their higher education. That is why late Shri Rajiv Gandhi in the election manifesto of the Indian National Congress for the 1991 General Elections had promised—"Guarantee of tuition fee and maintenance allowance to every SC/ST student admitted to any University for a maximum period of six years". After coming back to power, the Government had included economically weaker class people in its welfare ambit. Thus, it will be appropriate to enlarge the scope of that promise to the electorate. This can be achieved by providing free educational and hostel facilities to students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class.

Hence this Bill.

NEW DELHI;
November 7, 2012

MAHENDRASINH P. CHAUHAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free educational facilities to the students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class. Clause 4 provides for free hostel facilities for students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class. Clause 5 provides for establishment of adequate number of hostels. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of rupees one hundred crore is likely to be involved per annum.

A non-recurring expenditure of rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 127 OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Amendment) Act, 2012.

Amendment
of article 130

2. Article 130 of the Constitution shall be renumbered as clause (1) thereof and after clause (1), as so renumbered, the following clause shall be added, namely:—

"(2) There shall be established a permanent Bench of the Supreme Court at Chennai, consisting of such number of judges of the Supreme Court as the Chief Justice of India may from time to time determine, but not less than five in number, to exercise the powers and jurisdiction for the time being vested in the Supreme Court in respect of cases arising in the States of Andhra Pradesh, Karnataka, Kerala and Tamil Nadu and the Union territory of Puducherry."

STATEMENT OF OBJECTS AND REASONS

The Supreme Court, which is the apex Court of justice in the country, is located in Delhi. The litigants have to come to Delhi in connection with their cases in Supreme Court. A large number of people also have to come to Delhi in response to the summons of the Supreme Court.

India being such a vast country, all such visits to the Supreme Court from far off places exact a very high cost in terms of time and money from litigants. This is more so in case of people coming from southern India. From the administrative point of view also, serving of notices, paper work, postal exigencies in regard to distant places are leading to staggering of cases, postponement, *ex parte* decisions, etc. The location of the apex court in Delhi is one of the major reasons behind delays in delivery of justice.

Under these circumstances, creation of a Bench of the Supreme Court in southern India is the need of the hour.

Chennai, the cyber city of the nation, is ideally suited for the purpose as the infrastructure and other facilities are already available there. It is also well connected both within the region and with Delhi.

In case a Bench of the Supreme Court is set up in Chennai, it would not only save the time and money of the litigants but will also help in expeditious disposal of cases.

The Bill accordingly seeks to amend the Constitution of India.

NEW DELHI;
November 7, 2012.

R. THAMARAISELVAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of a permanent Bench of the Supreme Court at Chennai. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty lakh per annum.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

BILL NO. 134 OF 2012

A Bill to provide for education loan to students and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Education Loan Act, 2012.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "bank" means any nationalized or commercial bank and includes a private or foreign bank;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "student" means a person who is pursuing any course of study, including any professional or vocational course in any college or institution or university.

3. Within six months of the commencement of this Act, the Central Government shall formulate a scheme for providing education loan at such rate of interest, as may be prescribed, to students for following purposes, namely:—

Scheme for education loan to students.

(a) pursuing professional courses such as medical, engineering or vocational course or education in any discipline in any college or an institution or a university; and

(b) pursuing research in any recognized research institute or university.

4. (1) An application for education loan shall be made by a student in the prescribed format to any branch of a bank in such manner as may be prescribed.

Application for loan

(2) An application made under sub-section (1) shall be disposed of within a period of one month from the date of its receipt.

5. The Bank shall made payment directly to the head of the college or institution or university where the student is studying or seeking admission.

Payment to be made directly to the head of the institution.

6. No bank shall:—

(i) refuse an education loan to a student on any ground;

(ii) insist on any sort of guarantee, mortgage or surety for the purpose of disbursement of loan;

(iii) charge interest more than the rate prescribed;

(iv) withhold degree/diploma certificates, mark sheets in original; and

(v) initiate recovery process of the loan before the completion of one year of securing a job by a student who has taken an education loan.

No bank shall deny an educational loan.

7. If any bank violates the provisions of section 6, the director or other officer of the bank responsible for the violation, unless he proves that such violation took place without his knowledge or that he exercised all due diligence to prevent it shall be deemed to be guilty of such violation and shall be punished with imprisonment for a term not exceeding one year or a fine which shall be equal to the amount of loan sought by the student.

Punishment.

8. (1) The Central Government shall formulate a scheme for waiving off such loan, if a student, even after five years of completing his course, fails to secure any employment.

Waiving off loan.

(2) Subject to such rules as may be made, the waiving off loans shall be applicable only to such *bona fide* students who do not get suitable employment after completing their education.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is indeed a welcome step that educational loans are being given to students for pursuing higher education. Poor students, who could not earlier afford the cost of professional and higher education are also now in a position to pursue higher education because of education loan. However, the policy of giving of educational loan is deficient on many counts. It has no statutory backing or proper guidelines. Each bank has its own guidelines and fixes its own criteria for disbursing loan. Many banks often refuse the same on some silly and technical grounds. Guarantee and surety is always insisted upon before granting the loan. The rate of interest on such loan also varies from bank to bank. Students are harassed and have to run from pillar to post to get the loan disbursed. Students pursuing studies in private institutes and seeking admission in management quota are not given loan. Therefore, it is sought to ensure through the Bill that education loan should not be denied to any student. Any person who violates the guidelines framed for education loan shall be punished so that no bank dares to refuse loan to students.

Further, many students after completion of their course do not get jobs. Thus, they are not in a position to repay the loan taken. In such cases, a policy or scheme for waiving off loans should also be considered.

Hence this Bill.

NEW DELHI;
November 6, 2012.

R. THAMARASELVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the framing of a scheme for providing educational loans to students. Clause 8 provides for framing of a scheme for waiving off educational loan if a student fails to secure any employment after completion of his course. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 133 OF 2012

A Bill to provide for abolition of begging and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Begging Act, 2012.

(2) It extends to the whole of India.

Short title,
and com-
mencement.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “beggar” means a person who indulges in begging; and

(c) “begging” means—

(i) soliciting alms in a public place, including railways, bus-stops, road sides and public transport, by involving compassion; and

(ii) entering into any private premises for the purpose of soliciting or receiving alms.

Abolition of begging

3. Begging by any person in any manner is hereby abolished.

Punishment for forced begging.

4. Whoever forces or encourages any person, including a child in his care, custody or charge, for begging or whoever uses any person as an exhibit for the purpose of begging, shall be punished with a fine of rupees five hundred.

Arrest of persons found begging

5. (1) Any person found begging shall be arrested by the Police.

(2) Any person so arrested shall be sent to a Receiving Centre, to be established in every district by the appropriate Government, wherein such person shall be provided with facilities for his rehabilitation.

Beggars' Welfare Fund.

6. (1) The Central Government shall constitute a Fund to be known as the Beggars' Welfare Fund for the welfare and rehabilitation of the beggars.

(2) The Fund shall be administered by, such agency, as the Central Government may designate.

Formulation of schemes and plans for beggars, etc

7. (1) The appropriate Government shall formulate such schemes, work out such plans, including plans for provision of education, and create suitable infrastructure in every district so as to enable beggars to take up suitable jobs for earning livelihood.

(2) The appropriate Government shall set up destitute homes for providing food, shelter and protection to the old, infirm, helpless and destitute persons so as to discourage them from indulging in begging.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Despite all efforts made and welfare measures taken by the Central Government and the State Governments, the practice of begging continues unabated all over the country, especially in the metropolitan cities and urban areas. There are also organized gangs who exploit innocent children and force them into begging. Its not for the sustenance of these boys and girls but for gathering alms for the gang leaders. These gangs have made kidnapping children and forcing them into begging a business and thereby collect huge amount.

While the old and infirm beggars can be sent to destitute homes, the able-bodied beggars should be given education and training so that they can get gainful employment.

Therefore, it is high time that a law for prevention of begging is brought forward.

Hence this Bill.

NEW DELHI;
November 6, 2012.

R. THAMARAISELVAN

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of Receiving Centres in every district by the appropriate Government. Clause 6 provides for setting up of Beggars' Welfare Fund. Clause 7 provides for formulation of scheme and creating suitable infrastructure by appropriate Government in every district so as to enable beggars to take up suitable jobs. It further provides for setting up of destitute homes by the appropriate Government. The Central Government would have to incur expenditure from the Consolidated Fund of India for establishment of Receiving Centres, destitute homes, formulating schemes, creating suitable infrastructure in respect of Union territories and shall also have to contribute monies into Beggars' Welfare Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

T. K. VISWANATHAN,
Secretary-General.